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EDITORIAL

Of all the Anabaptist groups the Hutterian Brethren produced by far the most extensive literature. Since so little of this literature was ever published in printed form until modern times, and still remains largely in manuscript, it is almost completely unknown. Before 1883, when Beck published his great work on the *Geschichtsbücher* its existence was not even suspected. Now we know, through the work of such scholars as Robert Friedmann, who has without doubt a better acquaintance with the ancient Hutterite manuscripts than any living person, that the Hutterite literature is not only extensive but of genuine literary quality and spiritual power. Some twenty years ago, Dr. Friedmann, then a professor in Vienna, was commissioned by the *Verein für Reformationsgeschichte* to prepare the best of the Hutterite epistolary literature for publication as one volume in the great series of *Täuferakten* then being projected. In connection with his editorial work he prepared a descriptive article with extensive bibliography which was published at that time in a German scholarly journal of limited circulation. The *REVIEW* is happy to present a revised, though condensed English form of this monograph in the current issue. The article presents such an attractive and vivid picture of the Hutterite epistles and the spiritual life which produced them, that we wish we had a volume of the epistles at hand for immediate reading. We devoutly hope that a good edition of this epistolary literature may soon take its place alongside of the volumes of chronicles and hymns now available.

The story of the Mennonite immigration from Russia has commonly been written from the inner-Mennonite point of view, or at most as a story of pioneering on the western frontier. It has not yet been studied carefully from the point of view of national policy. Such a study is however very revealing, not the least from the point of view of the light cast upon the standing of the existing Mennonite settlements in the United States and Canada at the time. Professor Ernst Correll has already published several articles in the *REVIEW* (July, 1935, and July-October, 1937) treating of the public aspects of the immigration, including numerous public documents, both United States and Canadian. The wealth of material had earlier led to a decision to project a volume of these public documents as one of the series, *Studies in Anabaptist and Mennonite History*. This project has now been abandoned in favor of a generous documentary publication in a series of instalments in the *REVIEW* beginning with this number and continuing for the next six issues. As the first one of this series Dr. Correll edits the major debates in the United States Congress on the request of the Mennonites from Russia for special privileges as a prerequisite for settlement in this country, recorded in full in the *Congressional Record* for 1873-4.

The year 1946 marks the one hundredth Anniversary of the Amish Mennonite settlement in Johnson County, Iowa near Kalona and Wellman. In this connection the REVIEW is happy to present three articles relating to the literary activity of the first Amish minister and bishop in this settlement, who was also one of the most active Amish bishops of the nineteenth century, Bishop Jacob Schwarzendruber. The first of these presents a translation of an epistle written by Schwarzendruber, which is of considerable interest as a reflection both of the problems of the Amish of that day, and the attitude of a thoughtful leader concerning them. The second is a catalog of manuscripts in the possession of Bishop Schwarzendruber and his bishop son and grandson, which is doubly valuable as a testimony to the man and his personality, and is the most complete bibliography of Amish documents ever published. The third is a photographic reproduction of the 1809 Amish conference report, the oldest authentic, original official Amish document known to be in existence. The reproduction is also valuable because of the autographs of a large number, perhaps all, of the Amish bishops and ministers in the United States at that time.

The Mennonite Quarterly Review

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THE EPISTLES OF THE HUTTERIAN BRETHREN

A Study in Anabaptist Literature*

ROBERT FRIEDMANN

Introduction

The opportunities of studying the genius of the Anabaptist movement of the sixteenth century are limited. We know many facts, but the original products and representative expressions of this movement are comparatively little known and studied. Since Anabaptism was heavily persecuted in most of Europe, and further since it was not at all a literary affair (in contrast to the contemporary theological polemics of Catholics and Protestants) but an affair of living and testimony, writings of Anabaptists are scarce and widely scattered. All the historian can do is to put them together piece by piece in mosaic fashion, drawing from many sources, even the hostile ones. When over twenty years ago German scholars set out to collect all the available sources of Anabaptism in the great *Täufer-Akten* enterprise, it was therefore a great surprise to them to learn that at least in one respect the situation is much more favorable than expected. This one respect has to do with the literary remains of the Hutterian Brethren, whose descendants are still living as a small group in

* A translation and condensed revision of the author's study, "Die Briefe der österreichischen Täufer, ein Bericht," published in the *Archiv für Reformationsgeschichte,* XXVI (1929), 30-80, 161-187, with exhaustive bibliography. Chr. Neff reviewed this paper in the *Menn. Quart. Rev.,* V, 148-152 (April, 1931), presenting also details concerning the sources.

South Dakota and Western Canada. Once, in the sixteenth century, they were a most numerous group of South German and Austrian Anabaptists, renowned for their principle of community of goods, their peculiar understanding of the practice of Christian love and brotherhood.

In contrast to the Swiss Brethren, who did not cultivate the field of literary expression (the source materials of these Brethren are exceedingly scant), the Hutterites with their unusually strong sense of community developed the custom of written testimonies into a great passion, or should we rather say, into a great technique? It became their great legacy, one for which we should be most grateful. Their *Chronicle* is well known and appreciated; in fact, it is a unique source and as such has already found wide attention and use by historians. The Hutterite great hymnbook is no less noted. In 1914, the Mennonite Publishing House (Scottdale, Pa.) published a collection of these hymns comprising more than eight hundred pages, which has found learned students on both sides of the Atlantic. A third and most significant group of such documents of genuine Anabaptist spirit, however, has remained almost unknown to the great majority of students of Anabaptist-Mennonite history. This is the rich epistolary literature of the Hutterites, collected in many old manuscript codices, preserved in part in this country (and Canada), and in part in European libraries. Only a small fraction has been published so far, but even these few samples have aroused much interest.

Of course, letters were always highly esteemed in the world of faith, letters of saints and of divines, of mystics and of reformers. And above all, one should not forget that a large part of our New Testament is made up of such letters, or epistles as they might more appropriately be called. Paul, John, Peter, James and Jude, all put their testimony in this form, and it has remained to the present the liveliest form of conveying the spirit and the love of disciples and apostles of Christ. Letters, however, from plain people, simple folk from the countryside, unlettered believers,—such letters are otherwise almost unknown, at least in large collections. The Hutterites, averse to publicity, had almost nothing printed. But their numerous epistles, together with all the other products of their religious writing, were collected in the above mentioned manuscript codices and handed down through the generations in manifold ways. Because of their unique importance in the history of Anabaptism, a report of these letters,—or should I more correctly say, of this literature?—will be presented in the

following pages. In truth, they do constitute a literature in a genuine sense, and not only a file of incidental letters. The Hutterites lived, and still continue to do so, separated from the "world." They read the Bible, but scarcely any books of the world, theological or otherwise. Their education and their edification came, one may safely say, in addition to the Scriptures, exclusively from their own *Büchlein,* their unique codices of which several hundred, possibly three hundred or more, are still extant. They must once have numbered high in the hundreds, perhaps nearly one thousand.

To read these books is a delight also for "outsiders"; even unbelievers admit that they are gripped by the contents. Here we find the finest and most genuine representation of the Anabaptist genius. Today, as we try to reconstruct and appreciate this genius, we can find no better avenue to it than these books. Of course, they all are written in the old fashioned German of the sixteenth century and for that reason are not easily translatable, but that has to be accepted, for it pays to read them in the original tongue.

Manifold are the contents of these books. Some are mere devotional tracts, but they are rather the exception. Certainly devotion is not the sole purpose of this literature whose aims were much more comprehensive. We will come nearer the truth if we formulate it in this way: these books were an introduction to the living out of faith, a kind of preparation or conditioning of the brethren for their dangerous life of testimony in a pagan and most hostile world. Just as we today get our secular knowledge out of textbooks, the Hutterites got their wisdom out of their living experience, the oral teachings of their elders, and the reading of these codices. They contained a wide variety of content: chronicles, theological tracts, creeds, catechisms, letters written to brethren active in the work of the Lord, or written by brethren in jail and facing death at the stake, admonitions and consolations, hymns, farewells of all kinds, tracts by such leaders as Denck, Hut, Hubmaier, Sattler, and others, and then again medical recipes and advice, regulations governing trades and crafts, pedagogical regulations, Bible concordances, even a bit of geography of the Holy Land, also highly cherished brief sketches of church history, excerpts from Eusebius or Josephus, the history of the deviations of the papal church, favorite stories of the Israelites from the Old Testament or the Apocrypha. Indeed, it was a great education which was carried by these books, an education to that austere life of Christian witness which did not shrink from the ultimate sacrifice, be it at the stake or in the rotting depth of a dungeon.

I am painfully aware that writing about epistles is something like writing about music or painting for people not acquainted with these fields. Only a first-hand experience with these documents can satisfy, for all description can but faintly reflect the true value and power of these sources. Nevertheless, the following description will try to do more than merely register the facts; it will also evaluate and appreciate their special characteristics. As such, the study might be viewed as an interpretative introduction. A loving meditation upon these documents is necessary to discover their inner beauty, meaning and spiritual value. Mennonitism of today (and not Mennonitism alone) could profit greatly from these testimonies.

The External Appearance of the Books

All the books I have ever handled were bound in leather, mostly provided with brass buckles, as was the general custom in olden days to preserve valuable volumes. They are still in an excellent state of preservation. The binding is usually nicely decorated with pressed leather ornamentation. The largest book I have seen was large folio size (about fourteen inches high), and contained a Bible concordance; the smallest book might be classified as 32mo (about two and one-half inches high); it is a hymnal with some additional tracts, most clearly and readably written. The concordance has over a thousand leaves (in former centuries leaves and not pages were counted). The next biggest codex has about seven hundred leaves, the smallest on the other hand only about 150 leaves. The average is the octavo volume (seven inches high) with about three hundred leaves. The writing is done on good tough paper with ink, often with red headings, written in exceptionally good penmanship. Which proves that the brethren must have been schooled well beyond the average of sixteenth century common people. One author (R. v. Liliencron) has described one codex as "written carefully and by an educated hand." The title pages are usually beautifully adorned, yet never in the character of the Pennsylvania-Dutch designs which originated at a much later time. Each volume always has one, often two registers.[1]

[1] Chr. Neff reprints in his review of Friedmann's paper, *Menn. Quart. Rev.*, V, 148-151 (April, 1931), the full text of two of these registers in order to show the richness of contents of these books.

General Description of the Epistles and of the Character of the Whole Literature

The brethren must have had an unusual eagerness for writing and recording. Apparently it was both their edification and consolation. It is but an isolated case if once a brother confesses (like the imprisoned Veith Urmacher, 1570), "My dear brother Peter, I would have much to write to you, but I cannot that much and never could."[1a] The usual tone is much better represented by the following passage. "I must write you at once, dear brother, even though you might get sick of so many letters. I myself don't get tired of it, to the contrary, it makes me feel good since I feel bound to you in brotherly love. If I could I would write you every week." This was written during a mission trip to Switzerland in 1584 (Benesh Köhler).[2] Or, "You beloved in the Lord, I wish I could write you more, but I am not skillful enough to do so with quill and ink. My heart, however, be your letter and your seal on it" (Ludwig Fest, 1533).[2a]

This eagerness to write explains why letters from certain brothers are so numerous in our codices. For instance, from Hänsel Schmidt (or Raiffer) of Tyrol, who was executed in Aachen while on a mission trip to the Rhineland in 1558, at least thirty-six letters are still extant. The same brother is also well known as one of the most prolific hymnwriters, to whom we owe many "gracious and lovely" songs.[3] Peter Riedemann, well known in Hutterite history as the author of the great *Rechenschaft unseres Glaubens* (Account of our Faith), produced at least thirty-four letters deemed worthy of permanent recording in our books. Next comes Paul Glock, who during a period of nineteen years in prison for the sake of his faith wrote twenty long and beautiful epistles to the home church in Moravia.[4] From Hans Amon, the second elder *(Vorsteher)* of the church (1536-1542), a man of extraordinary gifts, seventeen epistles are known, most of them letters of consolation and support sent to imprisoned brethren. And finally from Jacob Hutter, the

1a *Geschicht-Buch der Hutterischen Brüder*, ed. Wolkan (Wien, 1923), 374 note, and J. Loserth, "Zur Geschichte der Wiedertäufer in Salzburg," in *Mitteilungen der Gesellschaft für Salzburgische Landeskunde*, LII (1912).

2 J. Loserth, "Der Kommunismus der mährischen Wiedertäufer im 16. and 17. Jahrhundert, ein Beitrag zu ihrer Geschichte," in *Archiv für österreichische Geschichte*, LXXXI (1894) 310. Hereafter cited as Loserth, *Kommunismus*.

2a A. J. F. Zieglschmid, "Unpublished Sixteenth Century Letters of the Hutterian Brethren," in *Menn. Quart. Rev.*, XV, 24 (Jan., 1941).

3 Rudolf Wolkan, *Die Hutterer* (Wien, 1918), 134.

4 Published by G. Bossert in his *Quellen zur Geschichte der Wiedertäufer, Herzogtum Württemberg* (Leipzig, 1930).

founder of the entire Hutterian movement, ten unusually long and moving epistles are preserved. No doubt there once existed many more letters from these men, but these extant epistles were regarded as eminent enough to be preserved or rather to be presented to the Community as an edifying and helpful reading.

Some of the epistles were unbelievably long, particularly those by Jacob Hutter. Their length is understandable in view of Hutter's tremendous task of unifying and organizing the new movement in the right way, both spiritually and practically. To start colonies based on a sound system of community of goods, capable of enduring through four centuries and more, was surely no small undertaking. The letter, for instance, which relates the split of the brotherhood in 1533 (when Gabriel Ascherham broke away) comprises in print fifteen pages folio size.[5] Peter Walpot's beautiful letter to the apothecary Simon Ronemburg in Cracow (1571) covers nine large pages in print.[6] Another gem of this collection, the letter by the brother Franz Wälsch (Francesco di Rovigo) from Venice, written originally in the Italian language and then translated, fills thirty-nine pages (octavo size) in one manuscript, in very small writing. Claus Felbinger's great epistle, reporting his arrest and trial (1560), was published by Johann Loserth on nineteen large pages of print. One might debate whether Andreas Ehrenpreis' great writing, *Ein Send-Brieff, brüderliche Gemeinschaft betreffend* (1652), can be considered as a genuine epistle or rather as a treatise. It constitutes a book of 189 pages in print,[7] but in character it still preserves the features of an epistle "to whom it may concern."

In order to get a general survey of the entire compass of the Hutterite prose writings, I prepared a catalogue (unpublished) the results of which will be reported in the following. It covers the period from 1527 to 1662, the year when Andreas Ehrenpreis, the last great elder or "Vorsteher" of the brotherhood, passed away, and it comprises all codices which could be reached during my research in European libraries and archives. It is almost certain that the codices in possession of the Hutterites in this country contain many more items. In fact, the now deceased Elder Elias Walter of Standoff Colony, Canada, once sent me a long list of

[5] *Geschicht-Buch*, ed. Wolkan, 87-101.

[6] *Menn. Quart. Rev.*, XIX, 27-40 (Jan., 1945). (Friedmann, "Reason and Obedience, etc.")

[7] Andreas Ehrenpreis, *Ein Sendbrief, . . . brüderliche Gemeinschaft, das höchste Gebot der Liebe betreffend. Anno 1652. Aufs neue herausgegeben von den Hutterischen Brüdern in Amerika* (Scottdale, Pa., 1920).

such writings available in the American colonies of the Hutterites, but unfortunately this list is no longer in my hands.

In my catalog I have listed about four hundred epistles and similar writings, composed by seventy-five to eighty writers. Of these writers, about half (that is forty) were martyrs, having been executed by fire or sword. Most of them were ministers of the word *(Diener des Wortes)* or missionaries *(Sendboten)*. This is easily understandable since they were the more educated ones, with greater intellectual and spiritual capacities. But it must be strongly emphasized that the Hutterite epistles are by no means the product solely of such leaders. On the contrary, most simple and humble members of the brotherhood, without any outstanding function, often wrote exceedingly beautiful and valuable epistles out of dungeon and tribulation. The Hutterites were a truly democratic group. Such a universal capacity to express one's deepest spiritual experiences was possible only in a movement completely separated from the world and characterized by a close spiritual intimacy without which no such group could ever have existed.

A great majority of the writers came from the Tyrol where in the late 1520's the movement sprang up and where Jacob Hutter had worked the hardest. As to countries of origin, next comes Bavaria, then the Austrian provinces, and lastly the different principalities of Germany. In many cases the land of origin is unknown. Two writers came from Venetia. Concerning their social background I can be brief since Paul Dedic discussed this subject thoroughly in a paper in the *Mennonite Quarterly Review* (1939).[8] My catalogue shows the following data: only four writers came from the ranks of the Catholic priesthood: Leonhard Schiemer, who was a Franciscan friar and was beheaded for his faith's sake as early as 1528; Hans Schlaffer, "formerly a Roman parson" *(Pfaff)*, who died in the same year in the same manner, one of the finest spirits of the early times, whose farewell letter is truly a pearl in our entire collection; Leonhard Lochmaier, who prior to 1526 had been priest for eight years and who, too, died under the sword in 1538; and finally Leonhard Dax, a priest and erstwhile foe of the Anabaptists until 1557, who died peacefully in Moravia in 1574, during the so-called "golden era." All four men come from the Tyrol.

It is worth noting that almost all the theological tracts of the Hutterites (and some of them have a truly great style) originate

[8] Paul Dedic, "Social Background of the Austrian Anabaptists," in *Menn. Quart. Rev.*, XIII, 5-20 (Jan., 1939).

with lay members and not with the above-mentioned brethren. Thus, for instance, Ulrich Stadler was an official in a salt mine, Peter Walpot was a wool-shearer, Peter Riedemann a shoemaker, Joseph Hauser a barber, and Andreas Ehrenpreis a miller. Strangely enough, there is only one school teacher among the authors of the epistles, Jeronymus Käls, executed in Vienna in 1536. It is but rarely that the *Chronicle* or the epistle names the trade of the writer; it was not important enough. In most cases we may assume that the writers were peasants skilled in many trades besides farming. I know of only the following cases where the special trade of the epistle writer is mentioned: five tailors, three blacksmiths, three millers, three cobblers, one watchmaker (Veith Uhrmacher), two wool-shearers, and one rope-maker (Leonhard Lanzenstil or Seiler).[9] The brethren had also some famous physicians, but to my knowledge they left no writings. One apothecary was in loose connection with the brotherhood (Melchior Platzer). No woman is ever quoted as a writer, although quite a few women accepted the ultimate sacrifice of martyrdom. Great is the number of epistles or epistle-like tracts of unnamed writers. After all, the contents were what mattered, not the author. This anonymity is most characteristic among the Hutterites, a feature of high symbolic significance.

The two hundred and eighty epistles (in the specific sense of a letter) of the collection under study may be classified as to type as follows: five official letters to the authorities on behalf of the entire brotherhood (as, for instance, the famous letter of 1535 by Jacob Hutter to the governor of Moravia, which has been published at least seven times); sixty letters written by brethren to single individuals; and about 215 epistles with a collective addressee such as *An Die Gemein in Mähren, An die lieben Brüder hier und dort wo sie zerstreut sind, An die Eifrigen im Oberland* (meant was Tyrol), and so on. This collective trait is again most significant for this whole literature. Some letters are also signed in this way, for instance: "Signed by us, the ministers of the brotherhood at Schäkowitz together with the elders of the colony. This letter has been read before more than one hundred brethren and is forwarded with the consent of the entire brotherhood." Thus, the individual disappears completely in the group as a whole. Someone once formulated this fact very fittingly by speaking of "the com-

[9] It is surprising that the two main trades of the Hutterites, those which made them famous all over the country, namely cutlery and pottery, are not represented in my list. Neither could I find barbers among the letter writers.

munity in the unity of the Holy Spirit" *(Gemeinschaft der Geisteinheit)*.

When we consider a classification of the letters according to their purpose or character, we find the letters from prison most prominent. The above-mentioned forty martyred brethren sent a total of one hundred thirty letters back to the church in Moravia. Of these, about eighty contain narratives about arrest, trial, and distress, interspersed with devotional meditations as usual. Twenty-eight letters are farewell letters to wives, among them some of the most striking ones of the whole collection, although very different from anything one would ordinarily expect. They are neither sentimental nor private, since the *eheliche Schwester* (marital sister) is but one particularly close member of the community. Finally twenty epistles are letters of comfort or solace written by imprisoned brethren to other brethren in the same prison *(mitgefangene Brüder)* such as was the case, for instance, with Jeronymus Käls, Michel Behaim, and Hans Reifer (fourteen letters). Of letters of comfort written by elders to imprisoned brethren there are twenty-two, the most important being those by Elder Hans Amon. Of confessions and "accounts" *(Rechenschaft, Verantwortung)* before judges, we know about eighteen. There are sixty-eight "general" epistles of miscellaneous content, namely *Bitt-und Vermahnbriefe* (letters of admonition and exhortation), letters of cheer, reports on mission trips, descriptions of extreme distress, and so on. Of letters of a specific missionary intention, "preaching the Gospel to every creature," my list contains eleven items. The above-mentioned five official letters could be added here as a last group of this survey.

In time of writing the letters cover a span of about 135 years. Four-fifths belong to the sixteenth century; only one-fifth were written during the sixty-two years of the seventeenth century, and written by only seven writers over against seventy of the earlier century. To be sure, it was already the period of weakening and gradual decline of the brotherhood, since fresh blood from the outside was lacking, particularly from Tyrol, where prior to 1600 the movement had been completely crushed, mainly through the activities of the Jesuits. The richest literary period of all was the so-called "golden era" under the Elder *(Vorsteher)* Peter Walpot, 1565 to 1578, a time of relative peace in Moravia, during which the most intensive missionary activities were carried on. At that time many epistles went to the "apostles" *(Sendboten)* and many were received from them. It was the time of their greatest

success. They could point to Moravia as the "promised land" where earnest disciples of Christ could live in brotherhood comparatively unmolested. The strengthened Catholic Counter-Reformation finally also brought an end to all these hopes in Moravia. But the interest in letter-writing has never died out and to a certain extent is still carried on today.

Concerning the Writing and Mailing of the Epistles

It seems at first surprising that the knowledge of reading and writing was so widely spread among the brethren since it is known that formal education of the sixteenth century, particularly among the lower classes and peasants, was rather poorly developed. It is by no means a matter of course that simple tradesmen and peasants use their pen with so much skill and good taste. Of course the desire to read the Bible was a strong incentive for their basic education. One might guess that only those who could read later joined the brethren. "Temptation makes one listen to the Word" *(Die Anfechtung macht auf das Wort merken),* writes Veit Grünberger. About the year 1500, all of Tyrol had not more than ten Latin grammar schools, but it is rather doubtful whether they were frequented by many of those who later turned Anabaptists. Much more is known about schooling in the colonies itself in Moravia. We read of one schoolmaster of the brethren, Jeronymus Käls, who was arrested in Vienna in 1536 and burned at the stake. Copies of many beautiful letters from his pen are still preserved. In 1568, Peter Walpot called a great educational conference at Nembschitz in Moravia, where he presented his advanced pedagogical principles and his *Schulordnung* (rules for school management) which meant almost a revolution in that age.[10] In 1617 the well-known traveller Martin Zeiller reports in his *Topographia Bohemiae, Moraviae et Silesiae* (Franckfurt am Main, 1650) concerning the Hutterites: "As soon as the children come of age, the schoolmaster teaches them reading, writing and reckoning. They very seldom go beyond that."[11]

Of all the numerous brethren from whom we have some writings, only one single brother is mentioned who could not read nor write, Niklas Geyerspüchler, a miller from Tyrol, from whom a *Verantwortung vor dem Gericht zu Innsbruck* (Defense to the

[10] See Harold S. Bender's translation of the "Hutterite School Discipline of 1578 and Peter Scherer's address of 1568 to the Schoolmasters" *Menn. Quart. Rev.,* V, 231-244 (October, 1931).

11 Ottius, *Annales Anabaptistici* (Basel, 1672), 242.

Court of Innsbruck in the Tyrol), of 1567 is known,[12] and which is praised for its modesty of expression. How did this report come to Moravia? We may conjecture that it was accomplished as in a similar case of which the *Chronicle* reports for the year 1527. When in that year the well-known brother Jörg Wagner was tried in Munich (to be burned later at the stake), an unobtrusive brother listened to the trial and put down on paper the confession and defense of the martyr as he has understood it *(ein gutherziger Mensch, der fast alle Worte gehört, hat es schriftlich verzeichnet)*.[13] This was apparently a very common and efficient procedure. It was certainly in the highest interest of the brotherhood to collect the news and records of the martyrs and to have them circulate among the brethren.

Otherwise, all letters were not only drawn up but also written by the signing brother himself. This is expressly testified, for instance, by Jacob Hutter, in one letter of 1533: "I, Jacob, have written it myself with my own hand, but Claus had copied it for me, and the other epistle [the copy is meant] we will send to the Pustertal [Tyrol.]"[14] Or, in another instance, by Onofrius Griesinger (1538): "This letter I am writing to you with my own hand." Who is not reminded of similar passages in the Apostle Paul's correspondence, such as II Thess. 3:17, or Gal. 6:11? From the Jacob Hutter quotation we also learn that occasionally epistles were copied several times and sent to different places. One should keep in mind that these epistles were always letters "to all," written with a view to the greatest publicity inside the brotherhood. This is particularly true regarding all written enunciations from the elders or *Vorsteher* living at the center of the settlement. There *Gemeindeschreiber* were employed, brothers functioning as clerks who not only recorded all the important facts and documents in the great *Chronicle* but who also copied all the outgoing and incoming correspondence for their propagation or their collection in codices. The *Chronicle* mentions these clerks more than once. There was, for instance, Hänsl Summer, a furrier, or Hauptrecht Zapff, the recording clerk, writer and copyist of the *Chronicle*, a man of outstanding penmanship, at whose death the *Chronicle* reports, "He also was the writer of the elders for thirty years."[15]

12 *Die Geschichts-Bücher der Wiedertäufer in Österreich-Ungarn*, ed. J. von Beck (Wien, 1883), 249 note. (Hereafter cited as Beck.), Loserth, *Kommunismus*, 180, presents an excerpt of this account.

13 Beck, 22.

14 *Geschicht-Buch*, ed. Wolkan, 101.

15 *Geschicht-Buch*, ed. Wolkan, 610. As for his penmanship see the fine plates in the appendix to A.J.F. Zieglschmid, *Die älteste Chronik der Hutterischen Brüder*, (Philadelphia, 1943), particularly plates II, IX, XI, and XIII.

The brethren were eager to write not only at home but also while working abroad for the Lord. Was a brother caught and imprisoned, then it was his duty as well as his favorite activity to record his experiences, internal and external, in letters and confessions of faith. We learn from the letters themselves how it was done. Leonhard Schiemer (executed in the Tyrol in 1527) reports that the judge himself had handed him ink, quill, and paper, for which the judge was later reprimanded by the government.[16] Johannes Bair von Lichtenfels, a simple brother, who languished full twenty-three years in a dungeon in Bamberg in Bavaria until he passed away in 1551, gratefully acknowledged in his letter of 1547 to the brotherhood in Moravia the receipt of a writing tablet, a confession of faith (by Riedemann, most likely), candles and quills. Then he asks for a Bible, "for he has been suffering great want of the Word for many years and has great thirst after the Word of the Lord."[17] And Claus Felbinger writes in his beautiful letter to Leonhard Lanzenstil, "I cannot desist from writing to you since God has presented to me paper and ink through a loyal wench [*durch ein treues Mensch*] and I still have some [sun-] light in the prison."[18]

Just as there were many opportunities to supply the imprisoned brethren with writing material, there were also numerous ways to send letters home to the brotherhood out of dungeon and prison. A lively postal service, if this expression be permitted, developed on such occasions. We have a welcome record of this situation again in Claus Felbinger's above-mentioned letter. "Since by good chance a messenger arrived at the prison I handed this letter to him that it might be brought to you. I know that you all are longing for a message from us." Such messengers, to be true, were always available; it was their business to keep the contact between the church at home and the brethren in the world, so that their trail might not be lost. To give an example of this system of keeping in touch with all the brethren on the road, a letter from Hans Amon will be quoted which this *Vorsteher* had sent to the imprisoned ones at Falckenstein castle (Lower Austria) in 1540. "We delegated some brethren to follow you on your way that they might see where God the Almighty will allow you to be led, and with

[16] J. Loserth, "Der Anabaptismus in Tirol von seinen ersten Anfängen bis zum Tode Huters (1536)," in *Archiv für österreichische Geschichte,* LXXVIII, 1892, 458.

[17] Beck, 28, note.

[18] *Geschicht-Buch,* ed. Wolkan, 306 note. The *treues Mensch* must be a girl, since in popular slang "das" Mensch indicates an unmarried woman, mostly a peasant girl. (In Austrian slang, a *Dirn or Dirndl,* corresponding to the English "wench."

the grace and help of God we will send still more to visit and comfort you."[19] In their fourth epistle these Falckenstein victims report of their deportation to the galleys of Trieste, then under the Doge of Venice: "About our condition the bringers of this letter will tell you more, who faithfully have followed us and have heeded so little their own life on our behalf."[20] And then, when in the following year some of these poor galley-slaves returned to Moravia while others remained of unknown whereabouts, Amon writes another epistle with the general address, *Den Ausbliebenen Von den Hingeführten gen Triest* (To those among the Trieste exiles who did not return), and still another one, "To the brethren in Genoa or on the Sea" *(Auf dem Mör)*. It was the task of the messengers to deliver these epistles, however long it might take to find the addressees, and wherever they might be. How bitter, under certain circumstances, such a search could become, is revealed in the extant letters of the brother Salomon Böger, a miller, who from 1607 to 1610 wandered about in Hungary, Serbia, and Turkey proper, to find his wife and other sisters and brothers who had been carried away by the Turks. It was a moving epic until he, too, found his destiny, namely violent death.[21]

The General Form of the Epistles

In view of the wide use of the epistles it is little wonder that we find many formal elements in them which recur time and again. This observation was already made by R. von Liliencron who comments as follows in his 1875 study of Anabaptist hymnology: "In their narratives certain features become typical in character. One is almost tempted to call the treatment 'stereotyped' were not, on the other hand, so much genuine truth in it, so much lively and warm expression of inner experience. The reason for this phenomenon might possibly be found in the fact that the brethren had developed a certain idea or picture as to how an earnest Christian ought to bear suffering, and it is this common pattern, so to say, which we meet in the writings both of the martyrs and of those who sing about them."[22] This gives us one explanation. Another is that the brethren got their spiritual education mainly through

19 *Geschicht-Buch*, ed. Wolkan, 157 note.

20 *Ibid.*

21 See R. Friedmann, "Adventures of an Anabaptist in Turkey, 1607-1610," in *Menn. Quart. Rev.*, XVII, 73-86, (April, 1943.)

22 R.v. Liliencron, "Zur Liederdichtung der Wiedertäufer," in *Abhandlungen der historischen Klasse der kgl. Bayrischen Akademie der Wissenschaften*, XIII (1875), 126.

reading these books, these epistles, knowing them often almost by heart, and discussing them in their assemblies and at work. They lived in such an atmosphere that a certain imitation of forms was almost inevitable, even though unconscious. Moreover, we know that there were even a few "formularies" for epistles *(Briefsteller)*[23] which in many cases might have provided the models for epistles of exhortation, consolation, and the like. They were certainly not used for letters out of the depth of a dungeon, which were spontaneous cries of distress and hope and trust in God Almighty.

In general organization these writings also reveal a certain uniformity. First comes a word of blessing which is sometimes extended to considerable length. An epistle by Jacob Hutter, for instance, contains blessings and greetings covering over thirty printed lines.[24] The subject proper is then often introduced by an apologetic formula such as, "I cannot help writing you a little. . . . ," or the like. But even now the writer does not yet begin his topic proper but first elaborates (at least in many cases) upon devotional meditations intended to comfort and exhort the brother or sister to remain steadfast in the faith and to rely thoroughly upon God's loving kindness. Most effective is the frequent insertion of dialogues making the otherwise often monotonous letter more vivid and variegated. An examination by the judge, or a dispute with an "unbeliever," is thus reproduced word by word. I shall try to translate such a passage although the particular popular flavor can not be adequately rendered in such a version. The brother Veith Uhrmacher, who "for the sake of God's truth" had lain in the castle dungeon of Salzburg for many years when he wrote to the congregation in 1573,[25] describes in detail his conversation with Catholic priests who had come with the intention to convert him. "I let him finish and then said to him, 'Have you finished your speech?' To this he answered 'Yes.' Then I spoke, 'Since you think of the teachings of Christ as a sect, I have nothing to answer, for I myself think of it as divine truth.' Upon which the man uttered that he was not of such an opinion. Then I said, 'Your Lord, the prince [Archbishop of Salzburg] has plenty of information [*Rechenschaft*] about us.' The parson [*Pfaff*] answered that he had come for love's sake, otherwise they have plenty to do elsewhere. Then I said, 'I have not

[23] Loserth, *Kommunismus,* 285.

[24] *Geschicht Buch,* ed. Wolkan, 87.

[25] *Geschicht Buch,* ed. Wolkan, 373-374, note.

asked for them, there was no need to come for my sake. If they thought this way why weren't they come long before.'[26] Then they said again, 'Saint Peter says, be willing to give account.' Upon which I said, 'What shall I say? You are prosecutor and judge all in one person. What you cannot decide, constables [*Schörgen*] and hangmen have to carry out in your place. You tell it to the prince, the prince tells it to the judge, the judge tells it to the constable, and the constable tells it to the hangman. He then finishes up the case. He is your high priest, he helps you to win the field.' " Another rather different example comes from the same year in a report of two brothers, Marx and Bernard Klampferer, about a discourse with some higher officials. "Then did the marshal say, 'I don't think that it is written this way in the Scriptures.' They, however, answered, 'Sir, if it is not written this way then you should be right and we wrong.' Then the marshal spoke to his chamberlain, 'Go, hurry up, and bring the Bible, we will see whether it is as he says.' Thus he brought it and the marshal presented the book to the brothers and spoke, 'Well, my man, now show me where it is written.' Then the brother showed him the passage. Then the marshal read it overloud and then said, 'Yes, my man, it is written this way.' And thus he left it be settled."[27]

In this somewhat naive but always immediate manner the brethren report their conversation often for many pages thereby revealing what poor champions were sent against them by their adversaries. The letters give the impression that it was easy for the brethren to remain victorious in these debates. Certainly many of the counter arguments of the clergy were not all too effective. This, by the way, also explains much of the captivating force of Anabaptist propaganda in the sixteenth century.

The letter of the aforementioned brother Veith Uhrmacher reveals still another feature which makes these descriptions so appealing. At first he reports the circumstances of his trip and his arrest by the men of the Archbishop of Salzburg. Then he continues, "On Sunday we arrived in Salzburg. . . . and they brought us into the castle, each one in a separate jail. But they did not give us a hearing until the third year of our imprisonment. God be praised from the depth of our heart that we are still fresh and in good shape."[28] Thus, a time of three years is briefly skipped

[26] Veith had been in prison for three years, 1570-1573.

[27] Beck, 262.

[28] J. Loserth, "Zur Geschichte der Wiedertäufer in Salzburg," see note 1a, *supra*.

over and the report of the later events is immediately tied to that of the first happenings without tiring the reader by details of the time in between. The intention, to be sure, of such an epistle is never to complain about hardship or to arouse anger or hatred against the persecutors, but only to comfort and exhort the brethren. For this reason those happenings alone are mentioned which seem to be essential, while all personal and subjective matters disappear.

The epistles are concluded by renewed formal blessings and farewell greetings. Occasionally such a conclusion becomes disproportionately long, as for instance in a letter by Jacob Hutter in which he says farewell to the congregation through two large folio pages in print.[29] Frequently there occur long farewell greetings to individually mentioned persons, such as in a writing of Klaus Felbinger to Leonhard Lanzenstil in which Klaus takes leave of each brother through thirteen lines in print.[30] However, we should be mindful that this type of greeting is no innovation either since we find already in Paul's epistle to the Romans, 16:3 to 16, a similar specified and extended farewell.

The Literary Style of the Epistles

As for the style of these letters, one must admit that the brethren showed a surprising skill in the presentation of their experiences and thoughts. The narratives are simple and plain, unaffected and natural. A master of particular gift in this regard was Jacob Hutter, the great leader, whose warm, emotional tone and whose liveliness of expression make his letters true works of art. To convey a small idea of his style we shall present out of the fullness of examples one particularly appealing passage from a letter in which Hutter reports about the split of the church in 1533. "Since there were so many unmarried brethren and sisters, I had set my mind to talk about married life, so that everybody would better know how to fit in and to behave *(auf dass sich ein jegliches dester bess wüsst zu schicken und zu halten)*. However, I was greatly concerned that, in presenting the truth and the best foundation, I might not say too much for some people so that they would catch me in my own words or find fault with them and with myself, and so on. I was particularly apprehensive because of Philip [Plener] and Gabriel [Ascherham] and that not without good reason. Yet still more I feared God. Thus I intended

[29] *Geschicht Buch*, ed. Wolkan, 100-101.

[30] *Ibid.*, 306.

and was minded to speak the truth with the right art and modesty *(die Wahrheit zu reden mit rechter Kunst und Bescheidenheit)*, and wanted to hit the right and sacred medium so that I could stand before God and also that neither Philip nor Gabriel nor anybody else could get at me. For the great need, also the spirit and the fear of God, urged me so much that I felt constrained [Sc. to address the brethren this way]. And therefore I exhorted the people earnestly and faithfully with the utmost diligence and with many words to heed my talk so that they would know how to give testimony whenever it might be needed. And I gave such a talk out of still other and more motives as they were soon revealed to the people of God through me."[31] If one notices the fine psychological strain in this whole report, one will easily understand that letters like this one rarely missed their purpose.

Passionate words and interjections are almost completely absent. On the contrary, one distinctly recognizes the prevailing endeavor "to speak the truth with the right art and modesty" in spite of a certain self-consciousness of belonging to a chosen people. It was this kind of modesty which in particular distinguished these *Stillen im Lande*. To illustrate also this feature by a quotation, another part of the account *(Verantwortung)* of Marx and Bernard Klampferer, already mentioned above, might be presented here. This *Verantwortung* was written in 1573 when the brothers were arrested in Vienna and put into prison. When marshal Von Rogendorf, a zealous Lutheran, in whose house or courtyard the brothers were caught, asked them what they had been doing here, one of the brothers answered. "Then I said 'I was not in your house but only in the courtyard to inquire after my brother and comrade who lives here with his sister,' and then I continued saying, 'Sir, I hope you won't blame me for having asked a boy whether our comrade be yet ready or not. I don't doubt that you yourself would judge it as not very brotherly like if we had moved away and had left our brother here in a foreign place. If I had known, however, that you were so much against my entering your courtyard I'd have been sorry to go into your courtyard and would certainly have stayed outside. For we are not such people to offend or to do mischief to anybody. Sir, there is nobody who could witness against us in truth that we teach anybody anything evil; rather we witness everywhere against evil."[32]

[31] *Geschicht-Buch*, ed. Wolkan, 91. Also Loserth in his article cited in note 16, 526-527.

[32] *Geschicht-Buch*, ed. Wolkan, 365 note.

This inner tact and distinction stands in obvious contrast to the contemporary usage of crude and uncouth expressions or outright insults and filth by opponents. Anyone familiar with the writings of the reformers in Germany will be well acquainted with this feature. It is completely unknown in the literature of the brethren, who purposely desisted from such practices. It is true that they too, now and then, drop a "slang" expression, particularly in speaking of the church of the country, which in view of their bitter experiences might be more excusable than the tone of the polemics of famous theologians. To give a few examples of this popular slang, I will again try to translate some passages as closely as possible, although just this more folkloristic trait is hardly translatable at all. There is, for instance, an extant paraphrase of the Lord's Prayer, entitled, "How the pagan pray," the oldest version of which is by Leonhard Schiemer, about 1528. It runs like this: "That you understand me better, I shall indicate their blasphemous praying, that you might be better on your guard. They say, 'Our Father' mockingly [*spottweis*], for they have never begun to become His children, they even don't want it to be. 'Hallowed be Thy name,' and spit in His face for they are the first who dishallow [*verunheiligen*] His name. Etc." Another example goes back to Klaus Felbinger, the brother who gave such a convincing account of his faith when examined by his persecutors in Landshut (Bavaria) in 1560. He calls the Roman church "a church of the godless, and an assembly of malice of all adulterers, liars, idolaters, misers, drunkards, gluttons, boozers, enemies of God, etc."[33]

It should, however, be born in mind that such passages are relatively very rare and that in particular in the epistles of the elders *(Vorsteher)* and ministers *(Diener des Wortes)* rough and rude terms are almost completely absent. Also, the folkloristic element, the popular slang and immediacy of expression, which might easily be expected in source material like ours, is but sparsely encountered. Possibly the most striking example in this regard is a letter by one Kuntz Füchter, a simple brother, who was executed in 1532 in the Tyrol, "for the sake of the divine truth." Speaking of the Roman church he writes: "They think it is not possible that

[33] Loserth, *Kommunismus,* appendix. One must realize the very poor condition of the Roman church at that time. Also Lydia Müller, *Der Kommunismus der mährischen Wiedertäufer* (Leipzig, 1928), 79f, refers to similar examples. Particularly plentiful in such sharp terms is Antoni Erdfordter's *Urlaubsbrief* of 1538 (reprinted in Lydia Müller's *Glaubenszeugnisse oberdeutscher Taufgesinnter,* (Leipzig, 1938), 258-262); but he wrote it as a farewell letter to the world before he actually joined the brotherhood in Moravia.

a man without sin will ever come into the Kingdom of God. And they believe that they will inherit the vineyard of the Lord with all their abominable works such as fornication, idolatry, gluttony, boozing, and murdering. It is to be deplored before the Highest that He should again be abused, reviled, and crucified by those in whom He is supposed to rest, but who rather listen to the hellish serpent to learn from the devil, yea, who are at one with the son of evil and perdition (II Thess. 2:3) in their fornication and vice and who make pleasant to him his damnable foul bath.[34] Those who are thus overcome (II Peter 2:19) then go and sing the devil a fine song of courtship [*Hoffierlied*]. Satan with his children might well laugh and say, 'Ay, this fellow has not been truly converted from sin and has not been rightly created yet until he goes thither and dishonors the sacred name of God.' For in this name of Jesus every knee must bow, the heavenly as well as the hellish one (Phil. 2:10)."[35] It is good to bear in mind that this epistle among all the Hutterite letters thus far studied is perhaps the most extreme in the use of popular slang. Characteristically enough it comes from the earliest period of the Anabaptist movement (1532). To show also another side of the same letter, more appealing than the above quotation, we translate here a passage which obviously imitates the Pauline style—only natural with people who actually lived in the atmosphere of the Scriptures. Thus the brother Kuntz Füchter writes, "Since you know that the days are evil [*dass die Zeit gefährlich ist*] (Eph. 5:16), one brother should look after the other and you should lift up one another's heart in love. And be peaceful and brotherly among yourselves." Worth quoting is also the conclusion of this letter which in all its simplicity yet well reveals the natural tact and skill of the brethren in their letter writing. "My beloved brethren and sisters in the Lord, you know that I don't understand how to write since I am of too little wit for this. Yet love has urged me that I should write you a bit that you might the better know how to hold fast [*Auf dass ihr wisst euch dester bass zu bewähren*]. I want to ask you not to despise my simple mind. I have done it for you [namely, the writing] in hearty love. I would prefer to write to you better and

34 The German expression is *Sudlbad*, whose exact meaning would be: bath of defilement. (*sudl* means "to soil," "make dirty"). The writer of the epistle meant, of course, infant baptism.

35 A. J. F. Zieglschmid, "Unpublished Sixteenth Century Letters, etc." *Menn. Quart. Rev.*, XV (1941) 19. One must read the original itself to get an idea of the style. No translation can render the particular flavor of such popular slang.

more clearly, yet I cannot. For just as I put down one word I forget the other one. . . ."[36]

To the folkloristic character of these letters belongs also a certain natural wittiness or witty rudeness, a trait which is occasionally found in our material, as for instance in the report of the former "Swiss" brother Hans Arbeiter who lately had joined the Hutterite group. In 1568 he was caught and imprisoned in the village of Kierweiler in the Palatinate where he had worked for the Lord. Now he describes in a long letter his experience in jail. One day, a Jesuit comes to him to talk to him and, if possible, to convert him, quite as in the case of the aforementioned brother Veith Uhrmacher. "I asked him for his name," Hans Arbeiter writes, "and where he comes from, that I might know with whom I am talking. . . . I told him, 'I have debated on infant baptism with a great many parsons [*Pfaffen*], Lutherans and popish, also with Zwinglian preachers, but never have I met a man as impudent as one who like you condemns the innocent children (of whom Christ says they are saved) if they are not baptized.' " The priest tries now to prove the necessity of infant baptism from the third chapter of the Gospel of John. "Upon which I said, 'I think in this hamlet of Kierweiler there is not likely one old woman who by a habit of old standing would not know how to speak better and more reasonably about rebirth and infant baptism than you do.' " The priest now points to circumcision of the Old Testament as an argument in his favor. "There I spoke, 'Since you want to derive infant baptism from circumcision which so obviously is straight against infant baptism, I must speak about it. Now, you tell me: did Abraham invent circumcision by himself?' Upon which he said, 'It was ordered to him by God.' Then I answered, 'Then wait until infant baptism will be ordered to you by God.' Then he said, 'You are a rude straw-cutter and do not understand the Scriptures, and yet you want to teach me; you should rather believe me and follow me, I am a highly learned man and well versed in many languages.' Upon which I said, 'A long time ago there was not one sow-herd around Rome who would not have known Latin since it was a common language then, as ancient history clearly makes out. Nowadays it is a secular art and not at all divine piety or discipline [*nit göttliche frumbkeit oder zucht*].' "

A further peculiarity of these epistles is the frequent use of similes and metaphors which, of course, fits well into the Biblical style so characteristic of these writings. By this method not only

[36] *Ibid*, 22. This and the following passages are very moving and full of tenderness.

can essential ideas of religious life be easily conveyed even to the simplest mind, but also emotions and intangibles find most appropriate expression. It is another trait of the unsophisticated popular way of writing. For instance, Jacob Hutter, always the great master in letter writing, in one of his epistles of 1535 to the church in Moravia, says, "Further I would like to tell you how things are going here with us. [He was at that time working for the church in the Tyrol.] The children of God, who are living here, flourish and grow in divine righteousness like the beautiful, lovely, fragrant flowers just as a fine flower garden gets green under a pleasant shower in May. Thus they flourish and grow before God. . . . Further I let you know that we no longer are hidden or concealed here in the land of Tyrol. Rather, the godless people know about us in their hostile fashion. The godless Sodomite sea rages and boils [*tobt und wütet*]. I am rather afraid there will be no rest until the pious Jonah will be thrown into it and until the cruel leviathan or whale has swallowed him down which is the cruel tyrant and enemy of the truth, Ferdinandus,[37] with all his associates." On another occasion Hutter speaks of the green and lovely olive tree of the heart which should bring forth good fruit for the Lord.

Among other figures of speech taken from the Scriptures the one of the furnace is particularly popular with the Hutterites. "Just as gold is refined in fire, so also man must be purified and cleansed in the furnace of resignation."[38] All suffering and all martyrdom is viewed primarily from this angle. Other expressions of similar character, such as, "I extend to you the hand of my heart," or, "I am writing to you with a weeping heart," were apparently habitual figures of speech among the brethren.

This predilection for similes and figures leads still further, namely, to an allegoristic and symbolistic manner of presentation. To be sure here, too, the brethren are but followers and heirs of an ancient tradition of Bible study. For instance, Peter Riedemann, the leading theologian among the Hutterites, uses the well-known figure of Proverbs 9:1, "Wisdom has built her house, she has hewn out her seven pillars," as a theme for a fine tract entitled, "How to build the house of God, and what the house of God is." There

[37] Archduke Ferdinand of Austria (1503-1564), brother of Emperor Charles V., later himself Emperor Ferdinand I.

[38] Ecclesiasticus 2:5; Proverbs 17:3, "The fining pot is for silver, and the furnace for gold, but the Lord trieth the hearts." And I Peter 1:7, "God is tried with fire." Concerning translation from the Greek see further down. Regarding the term "resignation" for the German *Gelassenheit*, cf. R. Friedmann, "Concept of the Anabaptists," *Church History*, IX (1940) 357. *Gelassenheit* means primarily, "conquest of selfishness."

he describes the "Seven pillars of this house," namely: the first pillar is the pure fear of God, the second pillar is God's wisdom, the third pillar is the mind of God, the fourth pillar is God's decree [*Ratschluss Gottes*], the fifth one is God's strength, the sixth God's art, and the seventh, finally, God's grace [*Huld*] or friendship. An earlier tract on the same idea was written by Jörg Hauck of Juchsen, a free-lance preacher of the early 1520's who had come into close contact with Hans Hut. His tract, *A brief and Christian Order,* using the same symbolism, was widely circulated among the Anabaptists and might have served Riedemann as a model.[39] The comparison between building a house and founding the true church of God is indeed very popular. Thus, for instance, we find in a tract by Hans Hut, entitled, *Christian Instruction,*[40] the following passage, "In a forest there are many trees, all creatures of God, and well suited for the building up of a house. But of all of them together there would never be a house, it be yet that they first submit to the work of the builder, that is that they be felled, cut, planed, and prepared. . . . There are many people, but all of them would never become a house of God, for this will be built only of those who submit to God's work and discipline, are cut off from all vanity and evil will, etc." This passage was later used again by Peter Riedemann in his earlier, so-called *Gmundener Rechenschaft* (1530) where it is reproduced almost verbatim.[41]

Most profound is the symbolism of the brethren in their interpretation of the words of the Lord's Supper. Here they follow an old Christian tradition going back to the earliest days of the church. The kernels of the grain as well as each single grape must first be pounded and crushed that they might become bread and wine. And the same holds true with a man who wants to become part of the Christian brotherhood. The old *Didache,* the so-called *Teaching of the Twelve Apostles* (c. 120 A.D.) as well as the sixty-third letter of Cyprian (210-258 A.D.) present this analogy. Martin Luther also knows it very well and uses it in his *Sermon von dem Hochwürdigen Sacrament des Heilig Wahren Leichnam Christi* (1519).[42] Its starting point might have been the text I Cor. 10:17. Now the Hutterite brethren knew this passage very well,

[39] Ludwig Keller, *Die Reformation und die älteren Reformparteien,* (Leipzig, 1885), 433 note, also Schwabe in *Zeitschrift für Kirchengeschichte* XII (1891) 470. It is found in many Hutterite manuscripts, and was reprinted by Lydia Müller in her *Glaubenszeugnisse,* (see note 33 *supra*) 3.

[40] Lydia Müller, *Glaubenszeugnisse,* 33.

[41] Mährisches Landesarchiv, Brünn (Czechoslovakia), Beck's estate, file 42, p. 25.

[42] Lydia Müller, *Der Kommunismus der Mährischen Wiedertäufer* (Leipzig, 1928), 66.

interpreting it in their own fashion as the truest expression of their institution of community of goods. Many a Hutterite tract contains it.[43] Here we will quote one of the most appealing forms of this Bible interpretation, the one written by Andreas Ehrenpreis, the last great *Vorsteher* of the brotherhood, in his above mentioned *Sendbrief, brüderliche Gemeinschaft betreffend,* of 1652. He writes:

> Just as the kernel makes no bread unless it be first ground and broken, thus also must those who want to celebrate the Lord's Supper first be broken and ground by the millstone of God's word, and must give up their own will and purpose. In the same way the kernels must merge together and contribute each one's strength to the one flour and the one bread, in which no one has anything of his own any longer. And whichever kernel remains whole and separated, not giving away its force and strength, that does not belong into the bread. It will be thrust out and deemed unworthy. Likewise with the wine, in which the grapes are crushed under the press, each single one giving all its juice and all its strength to one juice and one wine, in which one no longer can see and recognize anything individual. That is then the wine with which the Lord's Supper should be celebrated. That kernel and grape, however, which was not crushed, and kept its strength and power still by itself, that does not belong in the bread or in the wine. It is unworthy and unfit, it will be thrown out, it belongs to the swine or is poured away with the husks of grapes. And even if a whole grape should come into the cask, the cup, or even into the mouth, it yet will be spit out, and denied all community and dignity of the wine. That is what Christ the Lord wants to present to his guests at the Lord's table and to his companions at the Supper, as a model, that they too should live in such a communion.[44]

In the same *Sendbrief* Andreas Ehrenpreis produces still another daring and familiar metaphor reminiscent of Matthew 13, worth mentioning. "Beloved brethren," he writes, "whenever the seed of the divine Word falls upon an egotistical, worldly goods-loving heart which cannot overcome itself because the field has not been worked upon and cultivated with the mattock of the Word of God, and yet this seed makes an impression upon such a heart, then the birds of worldly thoughts will come along and soon the good seed will be carried away and will bring forth no fruit."[45]

Another simile, although not all too frequently used in the letters, is taken from the language of the warrior, justified, so to say, by the example of the epistle to the Ephesians (6:11-17). Such a passage is, for instance, found in a letter of the Elder Hans Kräl to the apothecary Melchior Platzer who, in 1583, testified his faith by the ultimate sacrifice. "Beloved brother. Since God has

[43] *Ibid.*, 4 and 66.
[44] Reprint 1920 (see note 7 *supra*), 43f.
[45] *Ibid.*, 88.

chosen and placed you at this very spot and has given into your hand the sword and spear of the Spirit to fight against world, sin, death, and devil, I want to ask you to stay loyal and steadfast under the flying banner of our supreme commander Jesus Christ, honestly, knightly, and manly."[46]

A few words should also be said concerning the attitude of the brethren toward contemporary theological literature as far as they knew it. Basically they were most suspicious of anything "humanistic." Scholarship as taught in worldly universities was looked upon as deceptive and misleading. Thus, for instance, Leonhard Schiemer, a former Franciscan friar who turned Anabaptist, not long before his great martyrdom in 1527 wrote a letter full of bitter scorn. "The whole world talks and throws around in the mouth back and forth this little word 'grace'. And in particular our scholars do so, and they do it much like the advanced students reciting from their Aristotle. They then call it *ens reale*, and distinguish between *genus, species, proprium, differentia, accidens, propositio, categorica.* They do not say it in German because they have such a high mind that the German tongue seems to them too low and too poor for it."[47]

Some of the brethren were also much interested in the correct rendering of Scripture passages, a subject particularly acute in those early years of Bible translations. Of course, only very few had the background for such questions. The same Leonhard Schiemer, apparently a former university student himself, writes in his letter one full page concerning the pretended error of Martin Luther in his translation of the Johannine prologue, namely the "Word dwelt among us," instead of "in us." And in a similar way, Andreas Ehrenpreis argues in his *Sendbrief* of 1652 against Luther, "Just as gold is tried in the fire, so man in the furnace of resignation. Some translators have put affliction or tribulation instead of resignation [*sie haben für Gelassenheit Trübsal gesetzt*] as if the light would shine too close or too bright upon them."[48] Finally, it should also be mentioned that at least one brother tried a new version of the Psalter. Wolf Sailer, by profession a joiner (died 1550), composed a rhymed Psalter translation which is praised by some scholars although others find it dry and unattractive. It is still preserved in two European manuscripts.

In reviewing the literary form of the epistles one must note

[46] Reprinted in *Mennonitischer Familien Kalender 1928* (Scottdale, Pa.), 20.

[47] Loserth, "Der Anabaptismus in Tirol, etc." (see above note 16), 458.

[48] Ehrenpreis, *Ein Sendbrief* (reprint 1920), 92.

that the brethren understood well how to make these letters genuine mirrors of their spiritual experiences. They tried hard not to fall into the often insincere sermonic tone of theological instruction, although they did not always avoid it. Many a letter is rather dry because of its heaping of Bible texts and moralistic exhortations. Yet it might well be that the brethren looked upon these letters with different eyes than we do. For instance, Leonhard Schiemer wrote a "Letter of consolation to a weak brother,"[49] whose consolation consists almost exclusively of a long series of quotations from the prophets and apostles. Apparently he deemed it more consoling than any personal word which he could have added, being himself in prison facing the ultimate test. Also Peter Riedemann, the renowned writer of the *Verantwortung,* should be mentioned in this connection, because his stupendous knowledge of the Scriptures occasionally completely overshadows the liveliness of his numerous epistles. Yet, when he died, the *Chronicle* recorded, "He was rich in all divine secrets, and the gift of the divine Word poured forth from him like a spring of water which gushes over. All souls who ever heard him rejoiced."[50]

By and large, however, what the brother Hans Mändel wrote from his jail in Tyrol to the brethren in Moravia shortly before his martyr death in 1561, remains true:

"For that reason, beloved brethren, accept my little writing in love and good spirit, not as a word of the pen or of the ink but as truth and living word [*nicht als Feder- oder Tinten Wort, sondern als Wahrheit und lebendiges Wort*]. All that I have taught you and shown to you I am set to seal with my blood through the grace of God."[51] And in another letter the same brother writes: "I do not write you all these things as if you would not have known them before. Nay, I am writing out of divine love which I have for you and the church, for my heart is full and open to you. With the help of God I will walk to death the more cheerfully, since I have revealed my heart to all of you." And finally he concludes, "My letter is not in pleasant words of human wisdom but in the testimony of the spirit and of power" [*In der Beweisung des Geistes und der Kraft*]. That was the true genius of the whole literature and the secret of its captivating missionary force throughout the centuries.

[49] A. J. F. Ziegleschmid, "Unpublished Sixteenth Century Letters, etc.," 9f.

[50] *Geschicht-Buch,* ed. Wolkan, 270.

[51] Friedmann, "Die Briefe der österreichischen Täufer," *Archiv für Reformationsgeschichte,* XXVI (1929), 161f, where the epistle is reprinted in somewhat abbreviated form.

What the Epistles Meant to the Brethren

The fact that such literature exists and that it had such a wide circulation can be correctly appreciated only if we answer the question placed at the head of this final chapter. What did these books, and each epistle in them, mean to the brethren? With what mind were they read, and what effect did this reading have upon their life and behavior?

Fortunately our material contains many passages which aid in the answering or this most central question. Our best witness perhaps is again the brother Veith Uhrmacher, who lay in prison in Salzburg from 1570 to 1573. From his dark dungeon he wrote a long, impressive letter back home to the community in Moravia, containing the following revealing passage, "The bailiff [*Pfleger*] of Mittersill has told us that he had sent our books to the governor [*Landeshauptmann* of the arch-diocese of Salzburg]. From them he might well learn our faith. For I could not give better account of this faith than did two of our teachers who had been executed some time before[52] . . . He may do whatever he wants to do with us, we will with the help of God bear it with calmness for I have well read the account [*Rechenschaft*] which the aforenamed brethren Claus Felbinger and Hänsel Mändel had given, so that I am now well aware that it [our way of life] is sufficiently justified [*verantwortet*] by divine Scripture."[53] Here we observe first hand both the purpose and the effect of the writings. The wealth of analogous material studied leads us to accept these remarks as typical and adapted to generalization. The Hutterites read hardly anything else besides the Bible and this home-produced literature.[54] At first the epistles might have circulated as such, but the need for more copies very soon led to the preparing of books, *Sammelbände,* epistle-books and books with miscellaneous contents. It was their world, their spiritual home, their education, their source of strength, and their ground of confidence of being on the right track. From these books, besides the Bible, they drew the conviction and the power to bear all that unbelievably hard suffering and martyrdom, suffered in innocence. Here they found the arguments and the strength for their defense and the justification of their faith, and that meant, at the same time, of their way of life. From the fact that the more important epistles and accounts *(Verantwortungen,*

[52] Whose accounts were written in these books.

[53] Loserth, "Zur Geschichte de Wiedertäufer in Salzburg" (see note 1a *supra*), 58.

[54] The *Vorsteher* (elders) most likely read some outside material also in order to know how to defend their faith.

Rechenschaften) are found in so many codices, we can grasp the zeal with which these items were read and copied. It was truly a higher education in the discipleship of Christ.

Other proofs of the same sort are found in the numerous epistles of Hänsel Schmid or Raiffer, who worked as a missioner of the brotherhood in the Rhineland and who was finally arrested and later martyred in Aachen in 1558. Out of his dark dungeon he writes to his wife, that she should have the epistles by Jerony-mus [Käls] copied for him and also the account of the same brother which she will find in a certain booklet [at home]. In another letter from his bonds he urges her again, "Send me my white hymnbook [also a handwritten codex] otherwise I need nothing." And he warns her, "Keep my books well until God will give me a place. And if you go down [to Moravia], have an eye upon these books and do not lend them around too much, I mean those handwritten ones."

Of course, the brethren knew very well the function and effect of their epistles, particularly those sent out of prison and dungeon, and for that reason they valued them accordingly. Thus, for instance, we read in one of Hänsel Schmid's letters, "I am writing to you above all with the idea that you might be cheered by it, and might the more recognize the love which exists among us." The Italian brother Franciscus Wälsch (Francesco de Rovigo)[55] whose letters from his mission work around Venice might rightly be called true masterpieces of religious literature,[56] writes in a similar manner. At one place he says, "I do not want to abstain from writing to you, in particular about things which seem to me to be needed and of inner uplift so that everyone who has ears to hear may easily perceive them. For this is the strongest reason of my letter, that you may be comforted by it and edified." The most striking example, however, and closest to the point in question, comes from the beautiful farewell epistle of Hans Mändel (1561) from which several excerpts have already been quoted. The last para-graph of this long letter, written almost on the eve of his execu-tion, runs as follows: "Beloved brethren, keep this epistle in great

55 Beck, 239-243 and notes, also Benrath, *Wiedertäufer im Venetianischen. (Theologische Studien und Kritiken,* Leipzig, 1885) 38-53. Most recently this Anabaptist found attention in the book by E. M. Wilbur, *A History of Unitarianism; Socinianism and its Antecedents.* (Cambridge, Mass. 1946), 83 and 87. His correct name was Francisco di Ruego, sometimes also called Francisco di Rovigo. He was not a Socinian. He joined the Hutterite brotherhood in Moravia, was later sent back to Venice and suf-fered here the ultimate sacrifice in 1562.

56 Their translations from the Italian circulated widely among the brethren and were often copied. They have never been published.

care, so that it will remain also for our posterity, and that they will also keep [my words] in memory after I have passed away from this world. For there is a divine solemnity and diligence in it" [*Denn es ist ein göttlicher Ernst und Fleiss darin begriffen*].[57] The brethren heeded this warning well, as the many copies still extant prove.

Each incoming letter was carefully preserved and often copied so that as many brethren as desired might have a copy. The *Chronicle* repeats time and again when recording the death of a brother, "There still exist among us epistles and letters from his hand." In a sense each single brother helped to increase the devotional literature of the community by his own suffering. That his memory and his letters then stood in high esteem, is only too natural.

When starting on one of their perilous missionary trips, the brethren usually carried some of these writings with them.[58] We learn, for instance, from a governmental record,[59] that when Jacob Hutter was eventually caught and arrested in the Tyrol in 1536, they found in his satchel the letters of Hans Amon. And when, in 1538, Onoffrius Griesinger likewise was arrested in the Tyrol, they found (thus the report runs) in his satchel also several letters from the brotherhood, loose leaves, apparently to be used for letters home, and a New Testament.[60] These epistles were true companions, both in days of success and in days of need. They gave strength, confidence, and uplift.

But letters, even such lively ones as most in our collection are, can never fully replace the personal contact and appeal, particularly not in things spiritual. Thus, many of these letters, in particular those written in Moravia, were intended to be nothing but a kind of introduction for the bearer. These bearers, *Sendboten,* missioners, apostles, were then the real propagators or rather seminators of the Hutterite ideas of Christian living and suffering. Theirs it was to comfort, admonish and strengthen, while the epistles they carried, signed by the elders *(Vorsteher)* and often also by the entire community back home in Moravia, were more

[57] See reference in note 51 *supra*. This epistle would deserve a full length translation and publication. It is one of the finest in the entire collection.

[58] Departure and return of these missioners (*Sendboten*) was celebrated with great solemnity and full awareness of the extraordinary task and, in case of return, achievement. A vivid picture of such a celebration is presented by J. Loserth in his *Der Kommunismus der mährischen Wiedertäufer,* 228-230, following a description in one of the Hutterite codices.

[59] Loserth, "Der Anabaptismus in Tirol, etc." (see note 16 *supra*), 557.

[60] Loserth, "Der Anabaptismus in Tirol vom Tode Hutters bis zu seinem Erlöschen," *Archiv für österreichische Geschichte,* LXXIX, 1893, (this is the second part of the paper cited in note 59), 157.

for the sake of confirmation, further support, and, if possible, inspiration. Often our letters state this frankly, saying that the missioner is "our living letter" [*unser lebendiger Brief*]. Thus, for instance, Hans Amon, the successor of Jacob Hutter in the office of *Vorsteher,* writes to the church in Hesse, in 1540, "In our great and ineffable love we are again sending to you our beloved brethren; they will be our living letter to you. From them you will be hearing the right and well-grounded truth [*die rechte und gründliche Wahrheit*]. For to them we have manifested all our heart toward you that they will manifest all these things to you."[61] It is good to be reminded at this point that here again the brethren follow but an apostolic model of high standing. For we read in II Corinthians, 3:2, 3, "Ye are our epistle, written in our hearts, known and read of all men. Forasmuch as ye are manifestly declared to be the epistle of Christ, ministered by us, written not with ink but with the Spirit of the living God: not in tables of stone but in fleshy tables of the heart." In his great *Rechenschaft* Peter Riedemann repeats these words of the apostle at a conspicuous place.

And finally, if, on occasion, the brethren should not be able to come into direct contact and to comfort each other, they still found ways and means to transmit their "living consolation," in spite of all guards, beyond and in addition to their epistles. The chief means for this was their singing. Of this we have a particularly fine and moving testimony in the letter which the schoolmaster Jeronymus Käls (arrested and later executed in Vienna in 1536) sent to his brethren Michel Seifensieder and Hans Oberecker, who were arrested with him although held in a separate prison. He concludes his letter as follows, "I rejoice with all my heart whenever I hear you singing in the Lord, particularly you, my beloved brother Michael, when you sing at night time. Then I understand almost every word if I listen very sharply and if you sit near the window. I beg you, my gracious brother, awaken me, sleepy one, oftener with your song in the Lord Christ Jesus. Often I am already waiting if I awake earlier because of our brother Hans, for, when I sang first then you both followed me with singing. And I want to listen to both of you. For it is a great joy to me whenever I hear you singing the hymn "Jerusalem." My beloved brethren, since it hurts Satan so much, it is a good sign that it pleases God. As they [the jailors] think they have barred us from talking that we

[61] *Geschicht Buch,* ed. Wolkan, 165.

should not comfort each other, so let us cry until our throat cracks."[62]

With this we conclude our study. We have recognized the extraordinary vitality which permeated all the activities of the Hutterite brotherhood of the sixteenth century in spite of the strict discipline and all the regulations which such a community necessitates. It is the vitality of the spiritual life which becomes so strikingly manifest in these documents, and which led to a refinement of the inner life such as is seldom encountered elsewhere in the long history of the Christian church.

62 *Geschicht Buch,* ed. Wolkan, 120 note. The last phrase is a direct quotation from Isaiah 58:1 in the rendering by Hans Denck and Ludwig Haetzer, *Alle Propheten nach ebraeischer Sprache verteutschet* (Worms, 1527), which was very widely used by the Anabaptists prior to their use of the Froschower Bible whose part containing the translation of the prophets was published in 1529. The King James version of the passage reads very differently, as follows, "Cry aloud, spare not, lift up thy voice like a trumpet."

Bibliographical Note on Publications of Hutterite Epistles

A. J. F. Zieglschmid published five letters in the original orthography in the *Mennonite Quarterly Review,* XV, 5-25, and 118-140 (January and April 1941) under the title, "Unpublished Sixteenth Century Letters of the Hutterian Brethren." These letters are: Leonhard Schiemer's "Trostbrief an einen schwachen Bruder," Kuntz Füchter's and Ludwig Fest's epistles, and two of Jacob Hutter's letters: "An die Gemeinde zu Hohenwart" and "An die Gemeinde zu Mähren."

Lydia Mueller published a number of letters in her *Glaubenszeugnisse Oberdeutscher Taufgesinnten* (Leipzig, 1938). This volume contains epistles by L. Schiemer, H. Schlaffer, W. Brandthuber, Jacob Hutter (two epistles), U. Stadler, and A. Erfordter (Urlaubsbrief).

Johann Loserth published two important letters. The one by Klaus Felbinger was added to "Der Kommunismus der Mährischen Wiedertäufer," in *Archiv für Österreichische Geschichte,* v. 81 (1894). The one by Veith Uhrmacher oder Grünberger was appended to "Zur Geschichte der Wiedertäufer in Salzburg," in *Mitteilungen der Gesellschaft für Salzburgische Landeskunde,* v. 52 (1912).

The Hutterite Chronicle contains a great number of epistles, about one fifth of the entire text being made up of letters. The complete text was published by Rudolf Wolkan in modernized German under the title, *Geschicht-Buch der Hutterischen Brüder* (Wien, 1923). In footnotes Wolkan added a great number of excerpts from other letters which greatly enhance the value of the edition. A. J. F. Zieglschmid's recent diplomatic edition of the same text, under the title, *Die älteste Chronik der Hutterischen Brüder* (Philadelphia, 1943), omits these footnotes. The older edition of *Die Geschichts-Bücher der Wiedertäufer in Österreich-Ungarn, 1526-1785* (Wien, 1883) by Joseph von Beck, contains a great number of excerpts from epistles in its footnotes, but no epistles in the text itself.

GUSTAV BOSSERT's great source publication, *Quellen zur Geschichte der Wiedertäufer,* Bd. I. *Herzogtum Württemberg* (Leipzig, 1930), contains an excellent edition of all the epistles by Paul Glock.

ROBERT FRIEDMANN published one letter in English translation in his "Reason and Obedience, an old Anabaptist Letter of Peter Walpot 1571) and its Meaning," in *Menn. Quart. Rev.,* XIX, 27-40 (Jan., 1945). It is the only Hutterite letter thus far translated into English. He also published an abbreviated edition of Hans Mändel's moving farewell letter (1561) in the *Archiv für Reformationsgeschichte,* XXVI, (1929), 161-166.

Transcripts of a great number of epistles from the original manuscripts in European libraries, made by Robert Friedmann, are deposited in the Mennonite Historical Library at Goshen College, Goshen, Indiana.

JOHN HORSCH, *The Hutterian Brethren, 1528-1928, A Story of Martyrdom and Loyalty* (Goshen, Ind., 1929) uses a great number of quotations from epistles in his text.

W. WISWEDEL, *Bilder und Führergestalten aus dem Täufertum,* 2 vols. (Kassel, 1928, 1930) also prints long excerpts from these epistles in his very stimulating text. (See the extensive review by R. Friedmann, in *Menn. Quart. Rev.,* XIV, (July, 1940.)

THE CONGRESSIONAL DEBATES ON THE MENNONITE IMMIGRATION FROM RUSSIA, 1873-74

EDITED BY ERNST CORRELL

INTRODUCTORY NOTE

The American Historical Review, Supplement to Volume XLV. No. 3, April, 1940, listing research projects then in progress in the United States and Canada, referred to a forthcoming edition of documents on Mennonite immigration from Russia to Manitoba (Canada); Minnesota; Dakota Territory; Kansas; Nebraska, 1871 to 1877. This project was in continuation of United States and Canadian materials published by this author in *The Mennonite Quarterly Review,* July, 1935, ("President Grant and the Mennonite Immigration from Russia") and *ibid.,* July and October, 1937 ("Mennonite Immigration into Manitoba, Canada, Sources and Documents, 1872, 1873"). A number of circumstances climaxed by the war years prevented the development of the project beyond the collection of such data from manuscript and printed sources which were more readily in access.

The following reproduction of debates in the U. S. Congress constitutes the first portion of a series of sources which are largely self-explanatory. Dr. C. Henry Smith's book: *The Coming of the Russian Mennonites, an Episode in the Settling of the Last Frontier,* 1874-1884, Berne, Indiana, 1927, provides a sketch of the more immediate background story.

A. *Debates in the United States Congress, (43rd Congress, 1st Session) 1873-74.*

Source:

Congressional Record, 1874, Vol. II, Parts 1 and 4.

1. In the U. S. House of Representatives on December 8, 1873. (*ibid.*, Vol. II, Part 1, p. 100.)

The following petitions, etc., were presented under the rule, and referred to the appropriate committees:

By Mr. Lowe: The petition of Amos Herr and others, Mennonites, for certain privileges in acquiring public lands.

PETITIONS, ETC.

By Mr. Monroe: The petitions of the representatives of the Mennonites of South Russia and Prussia, in regard to the purchase of public lands of the United States for a colony.

By Mr. Smith, of Pennsylvania: The petition of the representatives of the Mennonites of South Russia and Prussia, praying that they may be allowed to take up and secure sections of Government land lying adjacent, either by purchase or under the homestead laws, and to reserve the same until 1881.

2. In the U. S. Senate on January 12, 1874. (*ibid.*, Vol. II, Part 1, p. 570.)

MR. CAMERON. I also present a memorial from certain Mennonites, the representatives of many Russians, who desire an appropriation of public lands for their own use. By its reading it will be better understood than I can explain it. I ask that it be read.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, belonging to the Christian denomination called Mennonites, of South Russia and Prussia, in our own behalf and that of our brethren, respectfully address the following to you:

For three generations our denomination has lived in Russia under their own control, free to enjoy, as a separate colony, our own religion, language, lands, and customs, the Russian government only interfering to punish crimes and collect its revenues. Now, by a recent edict of the Russian government, passed 4th (16th) June, 1871, we are deprived of all of those rights, liberties, and privileges which had been granted to us forever, and the choice is presented to us of leaving Russia within ten years from the above-mentioned date, or after that time become Russianized in language and religion. In Prussia, where we lived for more than two hundred years in the liberty of conscience, the government acted the same.

We have determined to emigrate to some country where we can enjoy civil, social, and religious liberty.

By examining your Constitution and country we find the full assurance that, under your Constitution and laws, we shall find the liberty we so earnestly desire, and the sentiment expressed by President Grant, in his message of March 3, 1873, gives us great encouragement.

Desirous of settling in your country in colonies, there is, however, one obstacle in the way: the unimproved lands which we would be likely to select for our future homes being owned in alternate sections by railroads and the Government, if we should purchase from the railroad companies, some of the sections belonging to the Government would be taken up by persons who do not belong to our colony and who are not in sympathy with us. Besides this, our mode of farming is for fifteen or twenty families to join together on a large tract of land, and to have portions of it set aside for common pasture, where all the horses and cattle may graze together kept by one herder. This saves much expense in fencing.

It will require time—no doubt the eight years yet open for migration—before all property in Russia can be disposed of, business finally settled, and the last of our brethren brought to their new home.

In behalf, therefore, of our brethren, numbering between forty and fifty thousand, we would respectfully ask:

1. That, if we select portions of railroad lands in different places suitable to our different wants as cattle-raisers, agriculturists, &c., we be allowed to take up and secure the sections of Government lands lying adjacent thereto, either by purchase or under the homestead laws, and to reserve the same until the year 1881.

2. If we find unoccupied bodies of land belonging to the Government, suited to our purposes, that we be allowed the same privilege of taking up and securing a sufficient quantity of land protected from the interference of outside parties.

The Canadian government has offered to present us as much land as we would occupy, within the before-mentioned time, but a party of us would prefer to settle in the United States, if the opportunity is given us to locate in colonies.

Our only object being to care for those in distress, should there be anything in our petition looking like speculation, we beg you will prevent it.

"Justice exalts a nation," says the word of God; and if you will use your great influence to promote this mission and assist the emigration of those who are persecuted for conscience' sake, you will have the deepest thanks of the sorrow-stricken Mennonites of Russia and Prussia, and what is much more, the blessings of Him who says that even a drink of cold water shall not be without reward.

We are, with high estimation,

SOME OF THE EMIGRANTS FROM RUSSIA AND PRUSSIA,
CALLED MENNONITES.

P. S.—Our residence being transitory, if any reference should be required we beg to address to our brethren, Rev. Amos Herr, Lancaster County, Pennsylvania, and John F. Funk, Elkhart, Indiana, who are in sympathy with us and conversant with our movements.

Before the reading of the paper had been concluded,

MR. FERRY, of Connecticut. Mr. President, it appears on the face of that memorial that it is from citizens or subjects of a foreign government.

THE PRESIDENT *pro tempore*. The Senator from Connecticut objects to receiving the petition.

Mr. Cameron. I wish the Senator would let it be read through.

Mr. Ferry, of Connecticut. I have no objection to its being read. I shall object, however, to its being received.

Mr. Cameron. Let it be read, and I will ask afterward that it be received.

The President *pro tempore*. The reading will proceed.

Mr. Sumner. I suppose it can be done by unanimous consent.

Mr. Ferry, of Connecticut. I have no objection to its reading, but I shall object to its reception.

Mr. Sumnar. Perhaps it is important to put the objection on record so that other petitions of the same character may not be received as of course.

The Chief Clerk resumed and concluded the reading of the memorial.

Mr. Cameron. My intention is to have the memorial referred to the Committee on Public Lands, and I trust there will be no objection to that.

Mr. Ferry, of Connecticut. I object to the reception of the petition.

Mr. Cameron. I think the Senator will not object when I shall have said a word about it.

The President *pro tempore*. Objection is made, and the petition cannot be received. It will be returned to the Senator from Pennsylvania.

Mr. Cameron. I trust I shall be allowed to say a few words. These people can hardly be called subjects of the empire of Russia. They have been told that they may have eight years to leave that country and settle themselves wherever they please; but if they remain longer than that they must undergo all the penalties which are prescribed by the decree of which they speak. They are a peace people and never go to war. About one hundred and fifty years ago a large colony of them came into Pennsylvania. Mr. Penn gave them as much land as they thought proper to take at a shilling an acre. They have made the best farmers we have in Pennsylvania. They have sent their descendants into Ohio, Michigan, and various other States of the Northwest. Everywhere they are a peaceful, quiet people. Between forty and fifty thousand of these people desire to come here and become citizens as their brethren did one hundred and fifty years ago. I cannot see why there should be any objection on the part of my friend the Senator from Connecticut to allowing the petition to be received.

Mr. Morton. May I ask the Senator from Pennsylvania how many of these people propose to immigrate to this country?

Mr. Cameron. Between forty and fifty thousand. One of the elders of the church called on me and had a long conversation with me, and I became very much interested in their case. They desire to come here. As they say in their petition, they were offered from the government of Canada any amount of land they pleased to choose, without cost; but they prefer our laws and our Constitution, and desire to become citizens of the United States. Taking the example of the success of their brethren in Pennsylvania, they want to settle upon the public lands of the great Northwest.

Mr. Sumner. May I ask the Senator, what does he suggest now that we should do?

Mr. Cameron. I suggest that this matter shall go to the Committee on Public Lands, and that we shall sell to these people, at a fair price, the number of acres of land that they desire to have. Let them pay what other people pay. They are willing to do so. That is all they ask.

MR. SUMNER. I ask the Senator whether on the whole it would not be expedient for him to introduce a resolution instructing the Committee on Public Lands to make an inquiry touching this case, setting forth in the resolution all the substantial facts. I believe such a resolution would be in entire conformity with the rules of the Senate and its usage, whereas the reference of such a petition, I am sorry to say, is contrary to the usage of the Senate.

MR. FRELINGHUYSEN. I suppose the Senator from Pennsylvania could petition, himself, on the subject; he is a native-born citizen.

MR. MORTON. I was about to make the same suggestion that has been made by the Senator from Massachusetts. I hope the Senator from Pennsylvania will do that.

MR. CAMERON. I shall do so, then.

MR. ANTHONY. I think this is a little different from a petition from foreigners. It is a petition of persons who desire to become citizens of the United States and who ask for certain privileges under our laws and institutions. I do not wish to see the practice of the Senate upon the subject broken down; and if the object can be reached in the way suggested by the Senator from Massachusetts, perhaps it would be as well; but I see a marked distinction between this petition and those which we have refused to receive because they came from foreigners.

THE PRESIDENT *pro tempore*. There is such a distinction, undoubtedly; but this is a petition from the subjects of foreign nations, which, under the rules of the Senate, cannot be received, as the Chair understands the rules, if objection be made.

MR. CAMERON. If the technicality be insisted upon, which I think had better not be observed in this case, I will meet it in the other way and present a petition on the subject myself.

3. In the U. S. House of Representatives on February 24, 1874. (*ibid.*, Vol. II, Part 2, p. 1731.)

MENNONITE SETTLEMENTS

MR. SMITH, of Pennsylvania, introduced a bill (H. R. No. 2121) to enable the Mennonites from Russia to effect permanent settlements on the public lands of the United States; which was read a first and a second time, referred to the Committee on Public Lands, and ordered to be printed.

H. R. 2121

A BILL

To enable the Mennonites from Russia to effect permanent settlements on the public lands of the United States

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February 24, 1874.—Read twice, referred to the Committee on the Public Lands, and ordered to be printed.

43d Congress, 1st Session — Printer's No., 2100.

H. R. 2121

IN THE HOUSE OF REPRESENTATIVES.

February 24, 1874

Read twice, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. A. Herr Smith, on leave, introduced the following bill:

A BILL

To enable the Mennonites from Russia to effect permanent settlements on the public lands of the United States.

Whereas it has been represented that a certain sect of people, numbering between forty and fifty thousand persons, known as the Mennonites, now, and for several generations, residing in Southern Russia, near the shores of the Black Sea and the Sea of Azov, are very anxious to emigrate to the United States of America, and occupy a portion of our public lands in a compact body; and

Whereas they desire time to dispose of their property in Russia and remove to this country, and some modification of the laws relating to the disposition of public lands must necessarily be made in order to enable them to obtain possession of lands in a compact body: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized to withdraw from sale or settlement, by homestead or pre-emption, such quantity of the public lands, not mineral in character, and not otherwise appropriated or reserved, as he may deem necessary to enable the said Mennonites who may emigrate to this country to make settlement in the manner desired, and to hold the same subject to settlement and entry by them, to the exclusion of all other persons, for the period of five years, unless otherwise directed by Congress, upon their compliance with the homestead-laws of the United States.

SEC. 2. That should such emigrants desire to settle within railroad-limits, the Secretary of the Interior is hereby authorized to order a withdrawal, in like manner, of the alternate sections belonging to the Government; and should the entire body of such emigrants not desire to locate in one colony, but prefer the selection of two or more colonies or locations, then, and in that event, such discretionary power is hereby vested in and conferred upon the Secretary of the Interior as will enable him to make the withdrawal in such a manner as to meet their views in that regard. Any lands within railroad-limits that may be withdrawn can only be acquired by said Mennonites upon paying in cash, to the receiver of the proper land-office, after entry, the double-minimum price thereof.

4. In the U. S. House of Representatives, April 1, 1874 (*ibid.* Vol. II, Part III, p. 2689).

MENNONITE SETTLEMENT

MR. CLYMER. I beg leave to report from the Committee on Public Lands a substitute for the bill (H. R. No. 2121) to enable the Mennonites of Russia to effect a permanent settlement on the public lands of the United States.

THE SPEAKER. What action does the gentleman propose?

MR. CLYMER. I wish the House to fix a day for the consideration of this bill. Large numbers of Mennonites are about coming to this country, and will arrive here possibly in May; and if legislation is to be had at all,

it should be had promptly. I desire to ask the House to make this bill a special order for Wednesday of next week.

MR. HALE, of Maine. I must ask gentleman to make the same reservation which has been made with reference to other special orders, to except the regular appropriation bills, which are now far behind.

MR. CLYMER. Certainly; I will make that reservation. I ask that the bill be made a special order for Wednesday of next week after the morning hour.

MR. RANDALL. What is the bill?

THE SPEAKER. It is a bill (H. R. No. 2783) being a substitute for the bill (H. R. No. 2121) to enable the Mennonites of Russia to effect permanent settlements on the public lands of the United States.

MR. CLYMER. I am instructed to report the bill favorably from the Committee on the Public Lands.

THE SPEAKER. The gentleman asks that the bill be made a special order for Wednesday next, a week from this day, subject only to the House going into committee on the regular appropriation bills . . . .

There was no objection, and it was ordered accordingly.

5. In the U. S. Senate on April 2, 1874 (*ibid.* Vol. II, Part III, p. 2718).

BILLS INTRODUCED

MR. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

6. In the U. S. Senate on April 14, 1874. (*ibid.*, Vol. II, 4, pp. 3054-3058.)

MENNONITE SETTLERS ON PUBLIC LANDS

MR. WINDOM. I ask consent to call up the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, the question being on the amendment reported by the Committee on Public Lands to strike out all after the enacting clause, and in lieu thereof insert:

That whenever a body of such persons being heads of families or single persons over twenty-one years of age shall through a duly constituted and accredited agent file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim, and location to be made as hereinafter provided.

Sec. 2. That upon presentation of the certificate aforesaid to any district such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral and not exceeding the amount of 160 acres held at the minimum price, or 80 acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application, provided that no prior right of any person under existing laws shall be prejudiced by this act.

Sec. 3. That such location shall be made by filing with the register a declaratory statement describing the lands by sectional subdivision, township and range, and the payment to the receiver of fees at the rate of one dollar each to the register

and receiver for each 160 acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers. And upon receipt of such fees the receiver shall issue his receipt therefor setting forth the fact of such declaratory statement having been filed, giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent and shall be his voucher for the filing of the declaratory statement and payment of the fees aforesaid.

Sec. 4. That the register shall forward to the general land office as a portion of his monthly returns, a duly certified abstract of the declaratory statement in the same manner as similar returns are rendered in preemption cases, to be entered upon the books of the general land office.

Sec. 5. That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement not exceeding 160 acres of minimum or 80 acres of double minimum lands.

Sec. 6. That all questions of priority, arising between actual settlers shall be adjusted under existing rules.

Sec. 7. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions, shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Sec. 8. That the aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed 500,000 acres, nor shall any one filing embrace more than 100,000 acres.

Sec. 9. That the commissioner of the general land office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. Windom. I will make a very brief statement in reference to this bill. It has received the unanimous indorsement of the Committee on Public Lands, who have given to it careful consideration. Its object is to enable some forty or fifty thousand people, known as Mennonites, and who now reside in Southern Russia, in the neighborhood of the Black Sea and the Sea of Azof, to take possession of certain public lands for settlement. Those people are farmers; industrious, intelligent, and in every respect the class of people most desired in this country. They were originally Germans who went to Russia at the instance of Catherine II, who offered to them certain inducements to settle upon and improve the lands of that country.

The reason why it is necessary to pass some such bill as this is that those people are unable to sell their lands at once on account of a provision made by the government of Russia which at the time was supposed to be for their benefit, namely, that their lands should never be sold to any one but members of their own sect. It operated very advantageously while they desired to stay, as Russians could not settle among them, and their community was entirely separate from that in which they then resided. But now that they desire to remove to this country it operates very disadvantageously. Of course, if the whole amount of their land is thrown into the market at once, it will be impossible for them to realize its value. Their purpose is to come here in small bodies as fast as they can make sales of portions of their lands, and the desire is to send over agents representing these bodies who will appear before the Secretary of the Interior, state the number and names of the persons who will compose the body about to emigrate, and receive from the Secretary a certificate that an application has been made for public lands for a given number of persons. That certificate, when taken to the local land office, will enable them to make selections of not more than one hundred thousand acres of land in a body at any one time, to be reserved for them two years in order to enable them to make their arrangements to come and take possession of it.

I think it is utterly impossible for us to procure this valuable accession to our population unless we make some such provision as this. The Canadian government is extremely anxious to obtain these settlers, and has offered them very great advantages if they will take lands in the western part of the Dominion, in Manitoba. I will read, if the Senate please, the offer made by the Canadian government: [The Senator then read, and the *Record* contains, a letter by the Canadian Secretary of Agriculture, dated Ottawa, July 23, 1873, and addressed to the Delegates from Russia, granting prospective Mennonite settlers fifteen different privileges, number one being "an entire exemption from military service" granted by law and order in council to "the denomination of Christians called Mennonites." This letter will be printed in full in a later article to be entitled "Mennonite Imigration . . . before the . . . Dominion of Canada." E. C.]

The Senate will have observed by the reading of this that the inducements offered by Canada are very much greater than these people ask to be offered by this country. They may take six hundred and forty acres in Canada at the rate of one dollar per acre for three-fourths of it and take as a homestead the other one-fourth. All they ask of this country is that they may have the opportunity of making the selection of lands; that they may be withheld for them for two years in order that they may send over their agents to build their houses and prepare the farms, so that when the bulk of the body arrive they may find their homes all ready for their occupation. They prefer our country, and unless we choose to drive away forty thousand of the very best farmers of Russia who are now competing with us in the markets of the world with some ten million bushels of their wheat, if we choose to say that Russia shall raise that wheat or that Canada shall provide it instead of our own country, we can simply reject the proffer of these people, and they probably will not become our citizens. I deem it of the utmost importance that this bill should pass.

I will say one word more, Mr. President. It is not the intention of these people to come in one body and take possession of large tracts of land, as has been supposed. They pursue different avocations at home. Some of them are farmers; some of them are wool-growers; others are engaged in manufacture and the various pursuits which make a rich and prosperous community. It is possible that the farmers will go to the Northwest; that the wheat-raisers will find in Minnesota or Dakota or Nebraska, or that region of country, the best place for their pursuits, while the wool-growers will probably go farther South, and so throughout the country they will be distributed in small bodies in what I deem an entirely unobjectionable manner.

I will not take up the time of the Senate further in this connection.

Mr. Edmunds. Mr. President, this is certainly a very important bill. I do not think that American history has furnished a precedent for a bill of this character. I do not believe that it ever occurred to the founders of this Government, or to those who have administered it heretofore, that the highest public policy—by which I mean the best progress of the Republic—would tolerate a species of legislation of this character, either for Mormon or Shaker or Baptist or Episcopalian, or any religious or political sect or band of people whatever. To me it is a question entirely independent of what these people may think, or what any other community of people may think, upon any religious or political or social topic. It is the question which, as I believe, is fundamental to successful republicanism, that of a homogeneous unity of the whole body of the citizens

of a State divided into political parties, divided into sects, divided into social grades, if you please, but all in the body of the community living as friends and neighbors among each other, and not separated by any territorial or other distinctions from each other; so that when you look at the party in his character as a citizen and as a resident, you are not to look in Vermont for the Congregationalist, and in New York for the Episcopalian, and in Indiana for the Baptist, and in Oregon for another sect; you are not to look in New England for the republican in the political and the party sense, and in the West and in the South for the democrat in the political and the party sense; but if you are to have a prosperous republic you must look everywhere in the whole boundaries of the nation to find everywhere every shade of political and religious opinion which citizens may entertain, which shall not interfere with the places where they reside or the standing or position they are to have in the communities among whom they may be located.

I believe, sir, that human experience demonstrates that it is impossible that a republican Government shall be successful, that it shall live, if it be based upon any other principle than that I have named. Why, sir, what kind of a country should we be if distinctions prevailed such as this bill proposes to set up, of locating men of special religious or special political or social ideas exclusively in one place and another exclusively in another, and so on? Suppose it were by States, then you would have a representation here which would be absolutely fatal, in my humble opinion, to that successful administration and legislation respecting affairs which shall look to the common interests of all citizens, and which, because they are commingled in every respect, are common to all, and only because so, rather than looking to the exclusive and single interests of one State to do one thing and another State to do another, and so on.

Suppose, Mr. President, that all the blacksmiths were located in New England; of course I am not speaking of the physical inconvenience of having them all there; but I will not carry on the illustration of the blacksmiths because, of course, that is absurd, as anybody would see. Suppose, however, all the manufacturers of woolen cloths were to be by law allowed and required in effect, or from their own notion they had banded together so firmly that they all wanted to be and we were willing they should be in one part of the country, and all the manufacturers of steel and iron were located in another State, and so on all around. Would you, Mr. President, have a republic of a combination of separate elements in that way that could legislate to the just interests of them all? It is obvious that you could not; it would be totally impossible. The only way in which you can separate people under any circumstances that I know of, and have a republican government go on properly, is to separate them according to the individual inclination and wish of each man. Let him cast his lot among citizens under equal laws giving equal rights everywhere, not only to locations in the public lands, but every other right that belongs to the citizen in his character as such. In that way, and in that way only, in my judgment, can you have that homogeneous unity which is made up, it is true, of individual diversities in society, but which when looked at largely is a compact whole, not of one sect, not of one politics, not of one calling, not of one industry, but of every sect, every calling, every industry, every shade of political opinion, where being intermingled in that way they learn to respect the opinions of others, and harmonize their own with them, and to be, as we know in our own happy country it is generally, a compact and personally independent state of society where everything goes on smoothly.

My friend from Minnesota, I have no doubt, believes that this is a wise bill. I have no doubt that he believes this step, in derogation of what I believe to be the first principle of republican government, is so small a one, is so incidental, so merely, as he would call it, a drop in the bucket of political prosperity, that it is not worth while to make any fuss about it; but I feel that, with his philosophic and historical attainments and with his sound patriotism, he would say that if this were a precedent to be followed, to become general, so that we were bound by this precedent to give to others of any sect of religion, of any calling in life, of any character of politics, a separate right to compact themselves as an exclusive community in a Territory or on the public lands in a State—he would say at once, "No; it is fundamentally wrong that there should be allowed by law the right of any sect or body of people to separate themselves from the rest of the community and to have the exclusive privilege to build up within the State and within the Union a state of society which excludes in effect, and excludes by law so far as the right of the citizen to settle there goes, every other citizen of the Republic from intermingling in their society." It is too much like the Indian reservations, which are exceptional, however, for the reason that they are savages and are not capable, as is supposed, of immediate civilization. But if we were to civilize the Indians, if we were to set up, as has been proposed, an Indian territorial government in one part of the country, who would think of declaring that the Indians alone should have the exclusive right of populating and cultivating and developing the territory which should be assigned to them; and that they should continue to grow on and spread in the Republic as a separate people by themselves, at the same time taking part in the government which is to operate upon every citizen, East, West, North, and South alike?

No, Mr. President; in my judgment it is a fatal step, a fatal step to the prosperity of any republic that is founded upon the theory that ours is, to take this first instance of opening a vast body of public lands to the exclusive proprietorship of any sect of Christians, or of any political party, or of any people of a particular social standing, or of any race, or of any other condition except that broad and open one which holds out the lands of the Government to every citizen alike upon his making the entry, conforming to the law, and paying the price. In that way you build up States and republics in the unsettled parts of the Union that when built up contain all the elements not only of true social progress and true brotherhood with their neighbors, but also all the elements that will make forever more, if they are lived up to, a stable and prosperous republic. Otherwise you cannot do it.

However tempting, therefore, Mr. President, this opportunity to get fifty thousand workers and wheat-raisers and wool-growers, who may reside in Russia now, to come to this country, however great the bargain may be in the amount of products they would raise for us and sell—although I do not greatly see the force of that—yet I say we should not be tempted by any temporary or pecuniary advantage to depart from what I believe to be, as I have said, a fundamental principle in the progress and in the security of our republican government. Let us have no exclusions; let us know no boundaries; let us be a nation and a people where every man everywhere stands on an equality with his fellow-man, where there are no boundaries like Chinese walls to separate one sect or one opinion of politics or one calling from another; but an equal citizenship and an equal freedom.

For these reasons, Mr. President, it appears to me that we ought not to pass this bill. It ought to be said also in connection with the bill itself that I cannot perceive that there is any limitation upon the quantity of land in the aggregate which is to be given to these people. There is no limitation or obligation in respect to their occupying and improving these lands after they are entered. For aught I can see, although I know it is not so intended, these people having entered these lands and become the proprietors of them, might hold them fifty years for speculation if they liked, to sell them out afterward. Of course that can be corrected if it be so; but I think that is the present condition of the bill. I may be mistaken——

Mr. Windom. On that point I think the Senator is mistaken, because the bill provides that they shall take them under the existing land laws of the United States, which would require them either to pay for them or take them as homesteads after five years' settlement.

Mr. Edmunds. I understand that perfectly well. The seventh section makes the provision that they may enter them. They do so, paying for them at a certain price named. Very well. Suppose I, forming a grand land company, should go into a Western State and buy ten million acres of land in one compact body, presuming now that the law would allow me to do it, and I, and my heirs, and my and their associates hold it in order to speculate; what is to become of the State where we should make such a location? Would not every citizen curse us, and justly? It would just stop the prosperity of the State. Now, if these people are to be authorized by this act to make the entry and pay for the lands at $1.25 an acre, or whatever the price may be, and are not then required within any reasonable time to occupy, settle upon, and improve the lands, but are authorized still to live in Russia and to hold these lands as an investment, then I say that is a wrong policy. But as I stated, I did not rise to consider the details of the bill, but only to enter my humble protest, as one Senator responsible for the security of this Republic, against the principle upon which the bill is founded.

Mr. Clayton. If I understand the provisions of this bill, it provides for setting aside an amount of public lands equal to five hundred thousand acres; I believe that is the extreme limit.

Mr. Edmunds. I do not see any limit.

Mr. Clayton. The worst feature of the bill, according to my opinion, is that I see no assurance that these fifty thousand people who are allowed to settle in one compact body will ever become citizens of the United States. If I am correct in that, we open by this bill the way to the establishment of a vast colony of fifty thousand people who may owe allegiance as long as they occupy these lands to some foreign potentate. If that is so, it seems to me it would not be in harmony with the general principles of our Government. If I understand those general principles, our theory requires all the States in this Union to be acting under one particular form of government, republican, and harmonizing with each other. It seems to me it would be a very bad thing indeed to establish a colony so large as this of people who might owe allegiance to some other government than their own.

Mr. Pratt. Will my friend from Arkansas allow me to interrupt him?

Mr. Clayton. Yes, sir.

Mr. Pratt. There is no such feature in the bill as the Senator supposes. These persons are to enter the lands in conformity with the exist-

ing laws of the United States. They must declare their intention to become citizens of the United States before they are allowed to enter a foot of the public lands.

MR. CLAYTON. But I understand these lands are to be set aside for them, without their making their appearance even upon the territory of the United States.

MR. WINDOM. Only for two years.

MR. CLAYTON. Are they then to be under the provisions of the general homestead law and the pre-emption laws of the Government?

MR. WINDOM. When they take possession of them they may enter them under the existing land laws of the United States. They may pre-empt them if the pre-emption law be in existence, or take them as homesteads after five years' settlement, or they may enter them and pay $1.25 an acre for them; but the reservation is only for two years, and unless they are taken within two years from the time of the notice they are subject to settlement by any other person.

MR. CLAYTON. Do I understand from the Senator from Minnesota, then, that this bill is not subject to the criticism I have raised?

MR. WINDOM. I think it is not.

MR. CLAYTON. The Senator thinks these persons must become citizens of the United States in order to enter and occupy these lands?

MR. WINDOM. The bill provides that they "shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry;" and no one can enter or enjoy the benefit of the homestead and pre-emption laws, without becoming a citizen of the United States.

MR. CLAYTON. If that is so, it seems to me that under our system of Government we ought not to depart from the general rule which we make applicable to all people. We have certain advantages here of our own. We are not selfish in those advantages. We are willing that persons from abroad may come here, and by becoming citizens of this country share with us in those advantages. That applies to Germans and to men of all other nationalities. It does not seem to me that we ought in this particular case to depart from that general rule. I am as glad as any one can be to see this country settled by immigrants who come here attracted by our peculiar institutions and our peculiar advantages; but I think it would be a bad precedent to establish to offer to these people before they come here advantages that are not offered to others. I may be mistaken; but from the hasty investigation I have given to this bill it appears to me to be subject to that objection.

MR. HAMLIN. Mr. President, I have a very kindly feeling toward the object sought to be accomplished by this bill, and should be very glad to vote for it, and hope I may be able to do so; but I think it requires some amendment. I think it ought to be amended in some particulars. If I am right in my construction of the second section of the bill I think it ought to be amended. It says:

> That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate, in a compact body, any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

That applies to males and females, to the youth and to the adult. Does the Senator from Minnesota mean so to include them?

MR. WINDOM. If the Senator will read the first section, I think he will find that his construction is wrong. The first section provides:

> That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each.

As I understand it—and it was drawn at the Land Office with a view to conform to our land laws—the second section refers to the persons mentioned in the first.

MR. CONKLING. Undoubtedly.

MR. HAMLIN. Then I ask the Senator from Minnesota if this body of individuals shall locate their lands and shall not become citizens of the United States, what is the provision of existing law which prevents their holding them without being naturalized?

MR. WINDOM. They are to take them, as I have said once before, under the laws of the United States existing at the date of entry.

MR. HAMLIN. I understand that.

MR. WINDOM. And those laws require a declaration of intention to become citizens.

MR. HAMLIN. It requires no more than a simple declaration.

MR. WINDOM. We require of them precisely what we do of every other foreigner.

MR. HAMLIN. This bill allows them to set aside large quantities of territory and permits a large body of a particular sect to hold land with no provision that they shall at any time become citizens of the United States; is not that its effect?

MR. WINDOM. I have no objection to an amendment that shall require them to become citizens before perfecting title, though I do not think it is necessary.

MR. HAMLIN. I prefer that the Senator should amend his own bill. I call his attention to that defect, as I think it is, and I am sure it ought to be so guarded that they shall at some time be required to become citizens of the United States if you allow them to settle in a compact body and cover a large extent of country.

MR. WINDOM. I wish to make a single remark in answer to the impression which seems to have been made by the Senator from Vermont [*Mr. Edmunds*] and to have been followed somewhat by the Senator from Maine, [*Mr. Hamlin,*] to the effect that we propose to introduce very large bodies of foreigners into some portions of our States in compact settlements, and that we propose to give them some special privileges, religious or political, and that the bill contemplates some sort of exemption from duties which are incumbent upon every American citizen. There is no such thing in the bill. In the first place its provisions are "that the aggregate of lands held under declaratory statements, as aforesaid, shall not, at any one time, exceed five hundred thousand acres, nor shall any one filing embrace more than one hundred thousand acres." That is the eighth section. The body of men provided for in the first section cannot file for more than one hundred thousand acres in any one place. I appeal to the Senate if that is a very dangerous body of men to introduce into this great Republic? One hundred thousand acres of land will accommodate sixty-two families, and that is all that can be taken in any one compact body. I do think that this nation is strong enough to resist successfully any evils that may be introduced into our community by the settlement of sixty-two families of Mennonites in our midst.

MR. CARPENTER. (*Mr. Anthony* in the chair.) I wish to ask the Senator if there is anything in this bill after one body of men have selected five hundred thousand acres to prevent another body of men selecting another five hundred thousand acres as near the first as they can find the land? In other words, may not a dozen of these associations be formed in one county under the bill if the Secretary of the Interior chooses to allow it?

MR. WINDOM. There never can be more than five hundred thousand acres at any one time in the whole country.

The aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed five hundred thousand acres.

MR. CARPENTER. Would not that be to one body of men?

MR. WINDOM. No; the declaratory statement of one body of men cannot exceed one hundred thousand, the aggregate five hundred thousand.

MR. EDMUNDS. At any one time.

MR. WINDOM. I wish to say to the Senator that the whole body of these people, as we understood their numbers, will occupy eventually about five million acres of public lands, but at no one time can more than five hundred thousand acres be held, and if the whole five hundred thousand shall be applied for and all the families that can occupy it shall come and settle upon it, there will be three hundred and ten families who have no special privileges, no exemptions from military duty, or any other exemptions from the duties of an American citizen.

I cannot conceive that there is any danger in this. There is absolutely nothing in this bill except authority for these people to come and make selections of land in order to enable them to send over their sons or members of their families before the main body comes, in order to take possession of those lands, build houses upon their quarter-sections, and prepare for the bulk of the body when they can get rid of their lands at home and be able to come here and take possession. When they come they are under all the laws that govern American citizens, and subject to every duty, as I have two or three times said, that belongs to an American citizen.

MR. FERRY, of Connecticut. I rise to ask the Senator from Minnesota a question. I ask him whether a foreigner who has only declared his intention to become a citizen of the United States, in case of our country being engaged in war, can be drafted into the military service of the United States; whether he is not still, notwithstanding such declaration of intention, a subject of the foreign power, and entitled to call for its protection if we endeavor to make him the subject of a draft?

MR. WINDOM. I must say to the Senator from Connecticut that I am unable to answer that question. Perhaps some other Senator can answer it.

MR. FERRY, of Connecticut. My own opinion is that a foreigner in that condition is not the subject of draft; that he is still entitled to the protection of the power from whose country he has emigrated to this country.

MR. CAMERON. If the Senator will allow me, I think I can answer his question in this way: These people will owe allegiance to no country. They have been directed by the Emperor of Russia to leave his country in a certain number of years unless they think proper to remain there and give up their own nationality. If they become Russianized, learn the Russian language, adopt the Russian Church, they can remain there and occupy their property.

Mr. Ferry, of Connecticut. Mr. President, the real point in this bill has not been touched. The Mennonites' difficulty with the Russian government consists simply in this: They, in their religious tenets, are opposed to war, and refuse to enter the military service of a great military power. They desire to emigrate somewhere where they will be free from the obligation of defending by physical force the nationality of which they are members, and this bill is so drawn that the Mennonites who come to this country under it may take up these lands and hold them indefinitely, without ever becoming citizens of the United States, and therefore without ever becoming liable to compulsory military service if the Government of the United States should be compelled to call upon them in time of war, as I understand the bill.

Mr. Conkling. Will the Senator allow me to ask him one question there? Is it not true that one of the stipulations made by Catherine with these Germans originally, was an exemption from military duty, so that they have, without regard to their religious tenets, a much more substantial objection than the one the Senator has assigned to complying with the military requisitions of Russia?

Mr. Ferry, of Connecticut. The information which I have on the subject is simply derived from the public press and from encyclopedical statements regarding the Mennonites; and that information has led me to believe, and has been to the effect, that at the present time the Russian government demands of them military service.

Mr. Conkling. So I understand.

Mr. Ferry, of Connecticut. And on account of that demand they desire to leave Russian territory and find a country where they will not be required to perform military service.

Mr. Conkling. The Senator's information is exactly like mine as far as he has gone; but my information, taking the narration up at that point, is that they ground their refusal to perform military service for Russia upon the allegation that one of the stipulations precedent upon which they left their own countries and settled upon the shores of the Black Sea was exemption from military service along with a stipulation that they would never part with their lands except to each other or their successors.

Mr. Ferry, of Connecticut. Very likely the stipulation may have been in the original arrangement by which they immigrated to the shores of the Black Sea; but the fact to-day remains that they desire to leave Russian territory because the Russian government calls upon them to perform military service.

When this matter first came before the Senate I objected to the mode in which it was then sought to be disposed of because of this information which had reached me, and I am of opinion that we never ought to establish the precedent of admitting colonies from abroad within our territory with a direct or indirect provision in the law admitting them by which they should be exempted from the defense of our common country. And as this bill is so drawn that they may take up these lands, may hold them and own them, and still remain in law the subjects of a foreign power and not liable to be drawn into the military service of the United States in time of war, I cannot vote for this bill until in that respect it be amended; and if it is amended in that respect, and if the Senator from Minnesota inserts a provision in it that before their title to these lands shall become perfect they shall become naturalized citizens of the United States, no Mennonite will come to our shores.

MR. STEWART. I should like to do something for these Mennonites, and I think it may be done in a much less objectionable form than the amendment reported by the committee. The first section is very well, to have a small quantity of land withdrawn for the purpose of allowing them or almost any other settlers to locate upon it for a limited period of time; but the second, third, and fourth sections, and most of the fifth section, and the sixth section, and a part of the seventh and eighth sections are unnecessary, with a little proviso that I propose to add. I propose to substitute for the whole amendment, and I call the attention of the friends of the bill to my proposition and I think they will see that this covers all they desire, what I will read:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the person or persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

I would strike out the rest of the first section and all down to the fifth section and go on—

That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing, as aforesaid, on complying with the laws of the United States existing at the date of entry.

I would strike out the rest of that section and the sixth section, and then go to the seventh:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Then the eighth section:

That no one filing shall embrace more than one township of thirty-six sections.

Thirty-six sections would be one hundred and forty-four quarter-sections; that would provide for one hundred and forty-four families in a township of six miles square.

Nor shall a new filing be made until the lands of the former filing shall be exhausted. And the Commissioner of the General Land Office shall have the power to make all needful rules and regulations to carry into effect the provisions of this act.

That would reduce the bill to this proposition: if a community of these people desired to come here, an agent might precede them and select a township of land, which would make room for one hundred and forty-four families, and that would be held for them for the period of two years, during which they might come and apply. That would be a sufficiently large community; and when they got that township they could take another, and so on. I see no harm in their taking as many townships as they could occupy in that way. I would not let them take another township until they had settled one township. I believe that would relieve the bill of a great many of its objectionable features. Of course to get the land they have to enter as in other cases. The only effect would be to enable

an agent to come before them and have a township of land set apart. When they settled up that township they might take another, and so on.

Then I would allow any men, whether Mennonites, Irish, Germans, or others, if they had a number of settlers sufficient to fill a township, to name their people and have a year to settle the township. I do not think that would be a hardship.

There is no use in making a limit of five hundred thousand acres, because if they should want more than five hundred thousand acres to settle on in that way, I would not object. If they only have a township together, they will not be so exclusive but that they will have the influences of the American people around them.

Mr. Cameron. I think, Mr. President, if Senators knew these people as I do, in place of making objections to their coming here, they would give them all the facilities they could possibly desire. We have a very large number of these people in Pennsylvania. They are among the best of our citizens. They are nearly all farmers. Their farms are the most highly cultivated of all our lands in Pennsylvania, and I think our lands are as well cultivated as any that I have seen in any part of the world. These people came to Pennsylvania about 1724 or 1725, and the proprietor, one of the Penns, authorized them to select lands just where they pleased, in any quantities they thought proper, and he charged them one shilling an acre and no more. They have increased and multiplied. They went to Lancaster County first, and now a number of them are in almost every county of the State, especially where there is good land. They have a fancy for the limestone valleys, and wherever there is a fine limestone country, there have the descendants of the early Mennonites gone. They are among our best citizens. They never interfere with anybody; they pay their debts; and they take care of their own poor. In time of war, whenever they are called upon, they pay such taxes as the Government asks of them, they go into the hospital and become nurses; and during the rebellion a great many of the young people went out and bore arms for the country. Not one refused to send a substitute, or if the Government preferred taking a thousand dollars to getting a substitute, frequently they paid a thousand dollars for that purpose. They made no complaint; they were all loyal and faithful to the Government. So entirely are they believed to be honest that they can borrow money anywhere without any security. They are a thrifty, laborious, saving people. Now they are cultivating a school system. There is not a township in the counties in which they reside but has got a large number of school-houses of the best kind, with all the advantages which science has furnished to those who now build school-houses. They are hospitable. You cannot go to their houses without receiving a portion of what they have, and they never charge anybody for the entertainment which they furnish. I do not believe there is a better class of people in the world than are the German Mennonites.

In the early settlement of our country the settlements were made everywhere by colonies. In the lower part of Northampton County, Pennsylvania, the Scotch-Irish Presbyterians settled; in Chester County the Quakers went; and in Lancaster County the Mennonites. On the other side of the Susquehanna River the whole country was settled by Scotch and Irish. Everywhere the early settlers came in colonies, and everywhere they were well received. It is natural that these Mennonites should desire to come with their own people. They do not care about any particular form of this law. What they want principally is that they may have two

years to select their lands in, and they desire that because the gentlemen who have come here desire to go home and tell their people what they have seen, to relate to them the advantages of our country, and induce them to leave the location where they are.

The Emperor of Russia, as it is said, regrets very much that he is compelled to part with them. He does so because his nobles are not willing that any set of people should be in the country who are not willing to become Russianized. They desire them to adopt the Russian tongue and become members of the Greek Church. I do not think, if the Emperor Alexander were at liberty to use his own individual judgment, he would permit them to go at all. He would certainly find great advantage in keeping them where they are settled now. There are seven or eight colonies in the neighborhood of the Black Sea, or perhaps nearer to the Sea of Azof. They cultivate, some of them, wheat; many of them are herdsmen; some are shepherds; and all of them thrifty and prosperous. About forty thousand now are willing to come. The number there is much larger than that. They do not intend all to settle in the same place. A large number of them have already purchased land, or made arrangements for purchasing land, in Minnesota, some in Dakota, and others desire to go to Iowa, Nebraska, Kansas, and the Indian country. I am sure that wherever they go they will be a blessing to the neighborhoods in which they think proper to settle.

Mr. Stewart. I will offer my amendment now as a substitute for the amendment of the Committee on Public Lands.

The Presiding Officer. (*Mr. Anthony* in the chair.) The amendment will be read.

The *Chief Clerk*. The amendment is to strike out all after the word "that," in the first line of the reported amendment, and to insert the following:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

Sec. 2. That any person named in the application and petition on file with the Secretary of the Interior, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid on complying with the laws of the United States at the date of entry.

Sec. 3. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Sec. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

Sec. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. Scott. Mr. President, I have not examined the details of this bill for the purpose of ascertaining whether there is anything in it in conflict with our general public policy relating to the public lands; but I deem it due to the class of persons intended to be benefited by its passage to add my concurrence in what my colleague has said as to their general character.

Under the various names of Mennonites, Tunkers, and "Ahmische," there are many of them living in that portion of Pennsylvania in which I reside; and I can with truth say that for thrift, industry, economy, integrity, and good morals, they are not exceeded by any other class of the population in that or any other State of this Union. They are not either, as is sometimes asserted, a laggard people in substantial improvement, for within recent years many of them have exhibited a spirit of enterprise and a desire for the intellectual advancement of their people as great as that of almost any other religious denomination. I have in my mind's eye now two representative men among the Mennonites in Pennsylvania, whom I do not deem it any impropriety to name, one of them Shem Zook, of Mifflin County, a man of very considerable literary culture, who has written a history of that branch of the denomination to which he belongs; another, Isaac Kaufman, of Somerset County, a man of great wealth, who has given his time, his influence, and his money to the advancement of the building of railroads and other public improvements in the portion of the State in which he lives. There are many such men among them. They are encouraging newspapers, and establishing institutions of learning.

If there be any class of people, Mr. President, whom we should encourage to come to our shores by any legislation in consonance with our general policy in reference to the public lands, it cannot be extended in any direction with more advantage to our public interests than by encouraging the Mennonites to settle among us, and a properly guarded bill for that purpose shall have my cordial support.

Mr. Carpenter. The morning hour having expired, and it being evident that this bill cannot be passed without further debate, I move to postpone its further consideration, and that the Senate proceed to the consideration of the bill providing for an election in the State of Louisiana.

Mr. Stewart. Before that is done, I should like to have an order made to print the amendment which I offered.

The Presiding Officer. The order to print will be made.

Mr. Windom. I hope we shall act upon this bill to-day. We are as well prepared to vote now as we ever shall be. Let a decision one way or the other be made. It seems to me the Louisiana case, having waited for four months, can wait for an hour longer.

Mr. Carpenter. In reply to the suggestion of my friend from Minnesota, I will say to him that I think, strictly speaking, his bill fell with the morning hour, but it has gone twenty minutes over the morning hour without interruption. I gave notice yesterday that I should make this motion to-day. The Senator from New Jersey has the floor upon the Louisiana bill, and I understand is prepared to address the Senate, and I hope the Senate will take up the bill.

Mr. Windom. I am willing to submit the question of taking it up to a vote of the Senate.

Mr. Cameron. I wish just to say a word more. The gentlemen who are agents for these people are here now. They desire to go home soon and make preparations for bringing out some of their people this year. I saw their bishop the other day, Mr. Johnson, a remarkably intelligent man. He desired above all things that we should act promptly upon the matter, for he wanted to give notice to some of their people who think of going to Manitoba. I think we can dispose of it in a very few minutes. I am sure they do not care about the machinery of the bill; they will take almost any sort of a bill which allows them two years' time to close out their present land; that is all they care about. I do not wish to say anything more.

THE PRESIDING OFFICER. The question is, Shall the pending and all prior orders be postponed to proceed to the consideration of the bill indicated by the Senator from Wisconsin?

The question being put, a division was called for, which resulted—ayes 31, noes 12.

MR. WINDOM. I give notice that I will try to call up this bill again to-morrow morning, if it goes over now.

7 In the U. S. Senate on April 16, 1874. (*ibid.*, Vol. II, 4, 3110-3112.)

MENNONITE SETTLERS ON PUBLIC LANDS

[*Editorial Notes*: Preceding the following motion Senator Windom, Morrill, Anthony, and Merrimon debated on the Order of Business and the time to be allotted to the "Mennonite Bill." Mr. Windom in opposition to his colleagues was anxious to have a speedy decision made in this regard. *ibid.* pp. 3298-99. E.C.]

MR. WINDOM. I now move that the Senate proceed to the consideration of the bill (S. No. 655) to enable the Mennonites of Russia to effect permanent settlement on the public lands of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

MR. WINDOM. As the morning hour has nearly expired and this bill has been discussed somewhat before, and I regard a vote as more important than any speech I can make, I will, after making a single remark in reference to some objections made the other day, yield the floor to any other Senator who desires to say anything.

THE PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nevada [*Mr. Stewart*] to the amendment of the Committee on Public Lands.

MR. WINDOM. I have no objection to the vote being taken now.

MR. CONKLING. Let the amendment be read.

THE PRESIDENT *pro tempore*. It will be read.

. . . .

MR. WINDOM. For two reasons I hope the amendment of the Senator from Nevada will be rejected. In the first place, it is substantially the same in the first section and down to the eighth section as the bill reported by the Committee on Public Lands. The only changes are to strike out certain provisions prepared by the Commissioner of the General Land Office, or under his direction, to conform this bill to the existing land laws and the regulations of the Department.

The other reason is that section 4 of the amendment really defeats the object of the bill and is more objectionable on various grounds mentioned the other day than the bill itself. The bill itself provides that only one hundred thousand acres shall be withdrawn for settlement by these parties under any one application. The amendment provides that a whole township shall be withdrawn. Under the bill of the committee but thirty-two families could settle in any one place under a single withdrawal. The amendment would set aside an entire section and force one hundred and forty-four families together in a body. But the chief objection to it is that under the amendment proposed by the Senator from Nevada no other application or reservation can be made until the entire township is taken. So we shall provide that at least one hundred and forty-four families must make application and then for two years no other application can be made. The bill provides for thirty-two families or one hundred thousand acres.

The amendment is more objectionable than the bill, and will defeat the object intended. I hope the amendment will be voted down.

Mr. Conkling. Mr. President, the small remainder of the morning hour deters me from saying some things about this bill which I would say; I am not willing, however, to allow to pass unchallenged—thus far no reply has been made to them—the remarks made the other day by the honorable Senator from Connecticut not now in his seat, [*Mr. Ferry.*] He made objection to the bill upon a single ground. He said that allowing Mennonites, whom he seemed to think were non-combatants, to come here as proposed, would be the introduction of a body of men, who, unless they subsequently became citizens of the United States, would be forever exempt from military duty. The Senator thus affirmed, if I understood him, that a man who comes from a foreign country to this country, not as a visitor, not *animo revertendi* in the language of the law, but to remain, and declares his intention to become a citizen, does not thereby come to owe allegiance or military service to the government of his adoption. I wish to record my dissent from that doctrine. Time does not permit me to discuss the question; I will, however, refer to a declaration of Congress, and to declarations of Senators in past years.

In 1863 a prominent and absorbing question before the country involved the inquiry discussed by the Senator from Connecticut. Congress in that year adopted an enrollment act involving the last exercise of authority by the Government in exacting military duty, to wit, a draft; and not by accident or in haste, but upon mature consideration, the Senate framed and both Houses adopted this provision:

> All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of twenty and forty-five years, except as hereinafter excepted, are hereby declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose.

The competency and warrant of such a provision were topics of much discussion in the Senate. The debate is before me. I will not recite it, but I call attention to the declaration of two or three Senators. Mr. Howard, then a Senator from Michigan, doubted this right, and one or two other Senators doubted it. Mr. Doolittle, of Wisconsin, then a Senator here, expressed strongly his view that persons who had declared their intention to become citizens were, as much as citizens, subject to military duty. Mr. McDougall, then a Senator from California, for whose professional and other attainments all who knew him had much regard, in strong and unqualified language asserted the right of the Government. So did Mr. Trumbull, then a Senator from Illinois; and I find that the Senator from Wisconsin usually sitting on my right [*Mr. Howe*] made this observation:

> With regard to the first part of the amendment—

It was that which related to the class of persons in question.

> I will say, now that I am up, that I really hope it will be adopted. I cannot conceive that there is any rational doubt of the authority of the Government to require the assistance of this class of persons, since they come here, and under the sanction of our laws claim all the privileges of citizens.

Passing over much that was said to the same effect I call the attention of the Senate to the vote upon the amendment, which was to the point I am discussing:

> YEAS—Messrs. Anthony, Arnold, Chandler, Collamer, Cowan, Doolittle, Fes-

senden, Foot, Foster, Grimes, Harding, Harlan, Harris, Henderson, Hicks, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Trumbull, Wade, and Wilkinson.

The nays were but nine. In that vote I understand the Senate to have asserted the doctrine which I will endeavor briefly to state. When a subject of a foreign government comes here to remain, the first question likely to arise in his case touches the right of expatriation. Whoever makes choice of a new government as his own, acts on his right to dissolve his allegiance to his native land. On this question the attitude of our Government has long been unqualified. This is shown by the position we held in the case of Martin Koszta, who, although not a citizen, an Austrian who had only declared his intention, was treated in his right to protection by the United States as if he were a citizen; and Captain Ingraham went to the verge of force in asserting his immunity from the authority of Austria.

The treaty-making powers, nearly all of them, Russia I believe being an exception still, have recently by formal treaty relinquished all claim to dispute the option of one who renouncing his first allegiance, seeks another country as the land of his adoption. So far the country whence he comes is a party in interest the next stage excludes the foreign country, and relates to us and to the new-comer. In respect to the relations between the new-comer and his adopted government this may be said: Having declared his intention to become a citizen, having waived whatever rights he had otherwise, having entitled himself to the protection of the newly adopted government, the equivalent stated by all the publicists in respect of military allegiance has been rendered. The reason why you, Mr. President, owe military allegiance to your government is that it is the return you are bound to pay for the protection you receive. So with every man who comes here declaring his intention, as much the day before as the day after his citizenship becomes consummate.

So, Mr. President, I cannot agree with the Senator from Connecticut that the persons referred to in the pending bill or any other persons coming from a foreign country and declaring, as the bill requires them to declare, as condition precedent to enjoying it, their intention to become citizens of the United States, would be or could be exempt from the duty to perform military service.

Before taking my seat I will refer to another matter mentioned by the Senator from Connecticut.

I think it is true of those to whom the bill applies that beyond the reason assigned by the Senator from Connecticut, namely, their indisposition to war, their convictions of conscience making them noncombatants, they contend that they settled upon the shores of the Black Sea on condition that they should never be called upon by the Russian government to bear arms in its behalf. The Senator who reports the bill will know more certainly than I whether I am right in this respect; but I understand they contend that the requisition made by Russia for military service violates the condition on which they hold their lands and on which they became domiciled within the Empire of Russia.

MR. WINDOM. Right at that point, if the Senator will allow me, I will make a statement which occurred to me the other day.

Russia has not yet made that requisition, but has given these people notice that in 1881 they will be required to perform all the duties of Russian citizens, which include military service. They are not required to perform it now, but if they remain till that time they will be.

Mr. Conkling. My friend from Pennsylvania [*Mr. Scott*] has been kind enough to call my attention to an act of Congress passed the 27th of July, 1868, which again asserts the American doctrine of expatriation:

Therefore be it enacted, &c.—

After making a recital touching the right of expatriation—

That any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation is hereby declared inconsistent with the fundamental principles of this Government.

I think we must be held committed legislatively and politically to the doctrine that the Mennonites and all other persons coming here and declaring their intention to become citizens thereby come to owe to us the same allegiance which they will owe when their citizenship shall become consummate.

Mr. Sprague. Mr. President, I desire to state, in response to the Senator from New York, a fact that appeared before the committee, I was not in committee at the time they decided to report the bill before the Senate; but I know what the grievance of these people is. They were invited to the Black Sea predicated on their being released forever from military service. Their grievance is that now they are called upon to perform military service under the laws of the empire. The empire is giving them until 1881 in which either to assent to the laws of the empire or remove to some other country.

The Presiding Officer, (*Mr. Anthony* in the chair.) The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the bill (S. No. 446) to restore the rights of the State of Louisiana, on which the Senator from Maryland [*Mr. Hamilton*] is entitled to the floor.

Mr. Windom. I ask that the pending order be laid aside informally, that the Senate may complete the bill which was pending during the morning hour.

The Presiding Officer. Is there objection to that course? The Chair hears none; and the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States is before the Senate as in Committee of the Whole.

Mr. Stewart. I do not think that the original bill is well designed for the purpose intended. I think there is more of it than there is any necessity for, and that it involves principles which are very objectionable. I think we can accomplish the real purpose in view much more directly and without so far departing from our land system as that bill does.

The first section provides for the application to the Secretary of the Interior and the furnishing of parties with a certificate to be filed in a local land office for the purpose of obtaining a withdrawal of the lands. The second section provides—

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres, held at the minimum price, or eighty acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application.

He locates for each individual; it is a very bad principle to allow public land to be located by an agent.

Provided, That no prior right of any person under existing laws shall be prejudiced by this act.

There is no necessity for this second section. If the lands are held open in a body, these Mennonites can go to them and select them themselves and do it in their own names when they get here. It involves complications which will be inconsistent with the section which follows for throwing them open to settlement in case they are not taken. It is unnecessary machinery. There is a good deal of clerical work and expense connected with these locations, whereas there need not be a cent of expense in executing the law if they simply file a certificate setting aside for a limited period of time a quantity of land for them to settle upon and then let them settle upon it just as other settlers do. There is no necessity for getting up a large account with each person and locating his land by an agent before he gets here. He may never come. If you hold it open, all the purpose will be accomplished.

Sec. 3. That such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers.

There is no necessity for all that. Let the parties come and locate and pay the same fees as others when they come.

And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed, giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees aforesaid.

That is all unnecessary. Then:

Sec. 4. That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases to be entered upon the books of the General Land Office.

That is all unnecessary. A party may never come having all that done by an agent, when the party himself when he does come may enter it under the general law.

Sec. 5. That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double minimum lands.

I do not see any propriety in allowing this declaratory statement to be filed by an agent. Suppose a party for whose benefit it is designed should die before coming to this country, is it to be open for his heirs? If he dies and never comes to this country, there is no propriety in having any land entered for him. That only complicates it, and adds to the difficulty. Then the sixth section is—

Sec. 6. That all questions of priority arising between actual settlers shall be adjusted under existing rules.

Of course that would be so. There is no use in making such a provision, because they will have to come in as other actual settlers. The seventh section is very well:

Sec. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

That section is right enough. It ought to be so. I desire now to modify my amendment by adding to it. I think the Senator from Minnesota will recognize the propriety of it if he will think about it a little more. I take the first section of the bill down to "and location to be made as hereinafter provided," and say "that upon the filing of the certificate in the local land office;" that is to say, he goes to the Secretary of the Interior, makes his application, and he gives him a certificate to go and locate; he knows where the land is that he wants—"upon the filing of his certificate in the local land office designated therein, shall be reserved for the purposes of this act."

That is all; a mere reservation simply for the purposes of this act. Then there is no need of entering the lands until the parties come here to enter. Then I say—

That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

Then their rights are all reserved by the original application which names them; the land in a body is withdrawn for them and they have for two years the exclusive right to come and enter. There is no necessity for having land entered for them until they come here; but the exclusive right is reserved for them. It will be just as satisfactory to them; it will be just as high evidence that they have a right to come and take land and will at the same time avoid the expense of having it entered by an agent and complicating it with a system of laws, which is a great innovation on the pre-emption system.

MR. WINDOM. If the Senator will allow me, as I do not desire to make any speech in reply, I will say that I took the precaution under the instructions of the committee to go to the General Land Office and consult them in reference to the machinery of this bill, and the bill as it stands reported was prepared at the Land Office. It is possible that they do not understand what their present machinery is as well as we do without investigation; but I thought it the better way to trust to their judgment so that the bill should conform to their existing machinery. I do not see any special objection to what the Senator says, nor do I see that he makes any point against the bill.

MR. STEWART. I say this is adding to the present machinery. I do not believe in passing laws for the administration of that office which shall add one additional item to the present machinery where it is not necessary, where the law is plain to all the world and well understood. The seventh section of this bill provides for these lands being public lands if not appropriated. Then the fourth section of my amendment, which accomplishes the purpose, is:

Sec. 4. That no one filing shall embrace more than one township of thirty-six sections, nor shall a new filing be made until the lands of the former filing shall be exhausted.

That may be changed to "two townships," if you wish.

MR. WINDOM. I think the Senator's suggestion tends to drive these people all in a body; they must go to one township in one place or one

township in another. I prefer that they should not take more than one thousand acres of land or half a dozen quarter sections in a place, and hence I allow them to locate themselves wherever they please, without confining them to a single township as the Senator proposes.

MR. STEWART. I have no objection to changing the amount. The point of my amendment is that there shall be no machinery about this business. If it is thought they should locate a township or half a township in a place or in a dozen different places, I have no objection to that. The simple point is that I do not want to have the lands located by an agent until the parties themselves get here. It is unnecessary machinery, and it is all an innovation on the present system.

MR. WINDOM. The very object of locating in the way indicated by the bill is to enable them to know where their lands are and send members of their families over to improve them before the main body come, so that they may be ready for them.

MR. STEWART. They would know exactly where their lands were without this. The lands are withdrawn for them; they are named.

MR. CARPENTER. It is manifest that this bill has got to be considerably debated before it can pass, and I call for the regular order.

MR. WINDOM. I move then to postpone the regular order, in order to complete the bill.

MR. SAULSBURY. I hope the regular order will not be postponed.

THE PRESIDING OFFICER. The Senator from Minnesota moves to postpone the pending order and proceed to the consideration of the bill which has been before the Senate during the morning hour.

MR. SAULSBURY. The Senator, who commenced his speech yesterday, ought not to be postponed until the heel of the evening; he ought to have the privilege of going on now and completing his speech. I hope, therefore, the special order will not be postponed, at least not until after that speech has been delivered.

MR. WINDOM. I did not understand, when I made this motion, that any Senator had commenced a speech on the pending bill. I do not wish to interfere with the desire of any Senator to speak. I will call up the bill in my charge to-morrow morning, if the Senate will permit.

MR. STEWART. Perhaps that will do better, and we may agree in the mean time.

MR. WINDOM. I will not insist on my motion to postpone the regular order.

THE PRESIDING OFFICER. The motion is withdrawn.

8. In the U. S. Senate on April 22, 1874. (*Ibid.*, Vol. II, 4, 3262-3265).

MENNONITE SETTLERS ON THE PUBLIC LANDS

MR. WINDOM. I move to proceed to the consideration of the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States, which has been once or twice under consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment of *Mr. Stewart* to the amendment reported by the Committee on Public Lands.

MR. WINDOM. If it is in order I should like to perfect the text before the amendment of the Senator from Nevada is voted on.

THE PRESIDENT *pro tempore*. That is in order.

MR. WINDOM. In section 8 I am instructed by the Committee on Public Lands to move to strike out the words "five hundred" and insert "three hundred;" so that it will read:

That the aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed three hundred thousand acres.

The amendment to the amendment was agreed to.

MR. WINDOM. On the fourth line of the same section I move to strike out the words "one hundred" and insert "fifty;" so as to read:

Nor shall any one filing embrace more than fifty thousand acres.

The amendment to the amendment was agreed to.

THE PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nevada [*Mr. Stewart*] as a substitute for the amendment reported by the Committee on Public Lands.

The amendment of *Mr. Stewart* was read.

MR. SARGENT. The Senator from Nevada is engaged on a committee of investigation. I have sent for him and suppose he will be here in a moment. I think he would like to be heard on this amendment.

MR. RAMSEY. Then I propose to make an amendment to the text of the bill. I propose in the fifth and sixth lines of the second section to strike out the words "held at the minimum price," and again in the fifth section to strike out the same words in the tenth line.

Almost all the public lands, with scarcely an exception, are held either at the minimum or double minimum; but there is a tract of land in Minnesota known as the Sioux reservation up the Minnesota River for which many of these Mennonites have expressed a very great desire. It is very desirable land. They wish to go there. These lands are held as public lands, but held in trust for Indians subject to appraisement. They have been appraised at prices very little above the minimum, $1.30, and $1.40, and $1.50 an acre. There can be no objection to allowing these people to take those lands at the appraised value; but they will be excluded from doing so unless the amendment I suggest is made. There can be no objection to it, I am sure.

MR. WINDOM. I see no objection unless some other member of the Committee on Public Lands objects.

MR. RAMSEY. The Senator having the bill in charge assents to this amendment, and I presume no one else will object.

THE PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota [*Mr. Ramsey*] to the amendment reported from the Committee on Public Lands.

MR. MORRILL, of Vermont, I call the attention of the Senator from Minnesota to the fact that his amendment leaves the lands that are held at less than the double-minimum price without any price fixed; and therefore his amendment, to the purpose of which I have no objection, ought to be in a separate clause; not to amend this clause but to insert words accomplishing what he desires.

MR. RAMSEY. As to price there are but two classes of lands as a general thing in the United States, those at the minimum price, of which they may take one hundred and sixty acres, or at the double minimum, of which they may take eighty acres. This is the only exception; I know of no other in the United States. The difficulty the Senator from Vermont apprehends cannot arise in this case.

MR. MORRILL, of Vermont. But the Senator will see that he strikes out the word "minimum." He wants to include those lands that are sold at the minimum price and those also that are held in trust for the Indians. Why not express it in so many words? Then there can be no chance whatever for any dispute or controversy hereafter.

MR. RAMSEY. I do not see it as the Senator does, but I will try to get up an amendment to suit him.

MR. MORRILL, of Vermont. Very well.

MR. RAMSEY. Inasmuch as the Senator from Vermont thinks my amendment will not answer the purpose, I will withdraw it and offer another.

THE PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Nevada.

MR. RAMSEY. Probably he will have no objection to letting us prefect the bill before we vote on his amendment.

MR. STEWART. I have no objection to that.

MR. RAMSEY. Then I propose to amend by inserting after the word "price," in the sixth line of the second section, where it first occurs, the words "or one hundred and sixty acres of any lands held in trust by the Government at their appraised value;" and the same amendment should be repeated in the tenth line of the fifth section.

THE PRESIDENT *pro tempore*. The question is on the amendment now proposed by the Senator from Minnesota [*Mr. Ramsey*] to the amendment of the Committee on Public Lands.

The amendment to the amendment was agreed to.

THE PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from Nevada to the amendment of the Committee on Public Lands.

MR. STEWART. I should like to modify my amendment.

MR. WINDOM. While the Senator from Nevada is modifying his amendment, I wish to say that since his amendment was submitted to the Senate the Committee on Public Lands have considered the subject, and unanimously, I believe, with the exception of the Senator from Nevada, decided that the bill as it stands will better accomplish the object, and is less objectionable than the amendment of the Senator from Nevada. I especially requested the Senator from Nevada to be present at that meeting of the committee, but as he was not present, he did not agree to the action of the committee. If he had been, I think the action would have been unanimous.

MR. STEWART. I will call attention to my objection to this bill. My objection is that it does more than is necessary to accomplish the purpose. I regret that I could not be present at the meeting of the committee of which the Senator speaks.

The first section of the bill provides for any person who is an agent of the Mennonites applying to the Secretary of the Interior, with a list of the names of persons who desire to immigrate to this country and locate on public lands; and then the Secretary of the Interior gives him a certificate reciting that he may make a location for these persons. Then—

> Upon presentation of the certificate aforesaid to the register of any land district, such agent, as aforesaid, shall be permitted to locate in a compact body any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double minimum price, for each person composing such body of individuals named in the said petition and application: *Provided*, That no prior right of any person under existing laws shall be prejudiced by this act.

Then, instead of having the Secretary of the Interior simply divide a township of land for the purpose of giving these people an opportunity to come here, this agent enters each specific tract, which in the first place is considerably complicated, in the next place expensive, and in the next place it ties the land up in case the parties never come. The land is entered by an agent, which our land system has never favored. We have struggled in behalf of the soldiers to have large bodies of land entered by an agent; but it was resisted here and discussed for many days, and disagreed to in both Houses of Congress, because it involved the principle of entries of land by an agent; and that is unnecessary for the purposes of this bill. Then—

Such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers.

It allows the land to be entered, even if the parties do not come to this country at all. This is an entire violation of our whole system of laws and is unnecessary for the purpose. If the lands were withdrawn and these persons allowed to have an opportunity to enter them in a body, that would do all they desire to accomplish.

And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed—

A declaratory statement for the whole community filed by one man—

giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees as aforesaid.

Mr. Windom. I beg the Senator's pardon, but I do not understand from what clause of this bill he says it permits them to enter these lands before they come to this country.

Mr. Stewart. By an agent. It permits them to enter the land before they come to this country by an agent.

Mr. Windom. Will the Senator point out the language of the bill which authorizes the entry?

Mr. Stewart. It is as follows:

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

Mr. Windom. But that word "locate" is certainly construed by the subsequent provisions of the bill not to mean to enter, because the lands are simply withdrawn for two years. If they do not come and take possession of them and comply with existing laws by the end of two years they fall back into the body of public lands under existing laws.

Mr. Stewart. There will be great difficulty about the lands falling back after having been once entered. I object to the entry; I do not object to withdrawing the lands. This is intended to be an entry, because the register, as a portion of his monthly returns, is to make return to the Land Office.

That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

It goes on to say in the fifth section:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

In the first place, the very act that constitutes entry is done by the agent, and fees are paid for it the same as for other entries. It will cost to enter a township and subdivide it and put down each man's name for his tract six or eight thousand dollars. Then it goes on to provide that they shall have the right of entry after they come here. Will they pay these fees over again? What is meant by the subsequent right of entry to the individual after the land has been entered and it has been credited to him on the books?

Mr. Windom. What is meant by the subsequent right of entry is to construe the first word "location," which does not mean "entry" at all, but simply that he makes his selection or location and for two years he has the right of entry if he pays for it. There is no provision, as I read this bill, authorizing any entry until the man settles upon it and enters it under existing laws.

Section 7 provides:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Showing clearly that the word "location," as first used, does not mean "entry," but means the simple selection of the land, and that the right of entry exists for two years after that location or selection; and if the right of entry is not perfected within two years, anybody else may enter.

Mr. Stewart. Then calling this act of filing a declaratory statement, and having it entered in the land office and sent up here, a "location" in one place is supposed to make it different from an ordinary entry; but these are the same acts that constitute entry in other cases. It is this that I complain of. What does the pre-emption settler or the homestead settler do in locating land? He selects the land, files in the local land office a declaratory statement, then has the land returned as selected or entered by him. That is all. The same acts are required to be done here by an agent. Then it is idle to say that the party shall have the exclusive right of entry if the land has been entered and all acts necessary to constitute an entry have been done. If it is not meant that he shall enter, what is the use of all this expense for making selections to simply have a body of land set aside? If it is not intended to be an entry, it is superfluous and complicated, and it is attended by consequences that may be very inconvenient. It is provided that an individual shall get such a right as shall descend to his heirs; an individual that never comes to the country gets a right through the act of an agent that shall descend to his heirs. The fifth section says:

That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

I submit that all that, paying that hee, having it certified to, having it subdivided, is unnecessary for the purposes intended by this bill, and then complications may arise out of it. Again:

Sec. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

This is requiring a double entry to be made of the same thing. I do not think it is necessary at all; and my amendment is to avoid it.

Mr. Pratt. Mr. President, limited as I am in the morning hour I will attempt to reply to some of the objections urged to this bill by the honorable Senator from Nevada. Let me say that this bill was very carefully prepared by the committee; it met I believe its unanimous approbation, with the exception of the Senator from Nevada. It has been very carefully considered by the Commissioner of the General Land Office, and meets with his approval.

This bill is to be considered in the light of its recitals; in the light of the preamble which shows the occasion for just such a measure as this, and I do not think that we can improve it possibly by the amendment which the Senator from Nevada proposes.

This, to be sure, is exceptional legislation, but the occasion for it is exceptional and the opportunity which this country has of acquiring a large and very valuable body of emigrants to this country is an exceptional opportunity, and we are very likely to lose this immigration unless we pass this measure or something similar to it. Now, sir, briefly let me refer to the recitals in the preamble of the bill, which are the key to what follows and show the necessity of this legislation:

Whereas it has been represented that a certain sect of people, numbering between forty and fifty thousand persons, known as the Mennonites, now and for several generations residing in Southern Russia, near the shores of the Black Sea and the Sea of Azof, are very anxious to emigrate to the United States of America, and occupy portions of the public lands in compact bodies; and whereas they desire to dispose of their property in Russia, and to settle in various parts of this country in compact bodies, and some modification of the laws relating to the disposition of public lands is necessary in order to enable them to send out their agents and make selections and improvements in advance of the arrival of the main body.

These recitals answer all of the objections which I have heard urged against this bill. They cannot transfer themselves in a body at once. They own large and valuable possessions in Russia, and they must sell them all out between this and the year 1881, until which period the Emperor of Russia gives them the opportunity of disposing of their property there and emigrating to another country in order to escape the military regulations of the empire. Between this and 1881 there are only six years. They must leave in detachments, and they must necessarily send an agent to this country or to Canada, which is competing with the United States for this emigration, for the purpose of selecting lands here or there for the immigrants to occupy when they shall come.

Now what are the provisions of this bill briefly stated? I do not think the Senator from Nevada caught the full import of the bill in reading it. I have abstracted it and the substance is as follows:

. . . .

That is the sum and substance of this bill. The question is whether in view of the exigency Congress will grant this privilege to this religious sect. They live in compact bodies in Europe. They are naturally attached to their religion and customs and habits of life, and they want to live in compact bodies in this country. There is no worthier class of people upon the face of the globe. I hold in my hand a book which describes the articles of their faith, gives their history from the time of Menno Simon, the founder of the sect, and shows how they were persecuted in Europe because of their peculiar views, they, like the Quakers, being unwilling to bear arms; and the editor, at the close of this article giving the history of the Mennonites, says this of them:

> They are distinguished above all others for their plainness in dress, economy in domestic arrangements, being frugal, thrifty, and withal very hospitable. They take in strangers, treat them kindly without charge. They suffer none of their members to become a public charge.

Why, sir, we have had portions of this religious sect upon this continent for nearly two hundred years. They settled in Pennsylvania as early as 1683, under the invitation of William Penn. They number in the United States now probably seventy-five or one hundred thousand. There are settlements of them scattered through Pennsylvania, Virginia, Maryland, Ohio, Indiana, New York, and Canada; and everywhere wherever they are settled they are distinguished by those characteristics that were forcibly pointed out the other day by the senior Senator from Pennsylvania, [*Mr. Cameron.*]

Now, Mr. President, the condition of our public domain I do not think forbids that we should make this small concession to these Mennonites. The Commissioner of the General Land Office in his last report to Congress states that the total area of the land States and Territories is 1,834,998,000 acres, and the total public domain which was surveyed up to the 30th day of June, 1873, was 616,554,000 acres, leaving yet to be surveyed 1,218,443,000 acres. During the last fiscal year the total amount of the cash sales of our public lands was 1,626,266 acres, and the number of homestead entries 3,793,612 acres, making a little less than five and a half millions of our public domain that were taken up by settlers under our pre-emption and homestead laws during the entire year. Now, supposing that there are fifty thousand Mennonites who under the invitation of this bill shall immigrate to this country, and supposing that each head of a family or each single man over twenty-one years of age shall get one hundred and sixty acres of land, the whole amount of the public domain that will be taken up under the provisions of this bill will be only one million six hundred thousand acres. That is but a small fraction of the thirty million acres which are annually surveyed. I do not know how we could more usefully dispose of this much of the public domain than by inducing this worthy people to convert these waste lands into productive farms.

Mr. President, in the few minutes that remain of the morning hour I do not care about going further into this subject. Certainly there is no more valuable class of immigrants that have come or will come to this country than these Mennonites. I think we ought to hold out this inducement to them. It is very certain that unless they are induced to come here

by something like this bill they will go to Canada. The Canadian government has held out greater inducements to them to emigrate there than this bill proposes, and I do not think that the amendment of the Senator from Nevada improves it. I am informed by my friend on my right [*Mr. Wadleigh*] that the Canadian government has sent over to Russia an agent for the purpose of holding out inducements to the Mennonites to emigrate to and settle in Canada.

Mr. Carpenter, (*Mr. Anthony* in the chair.) I do not intend to take much time, but merely to state the reasons why I shall vote against this bill. I think it a very bad bill in principle; I am not speaking of its details or the amendments. It is certainly a new departure in our policy of settling this country. We have heretofore acted upon the theory that people of all nations might find their home with us, that we would furnish to all the same facilities, and that they should be distributed among and commingled with our people, and planted without discrimination all over the country. Now it is proposed to establish a foreign colony in this country. There is no objection to and there is no obstacle in the way of these men coming here and buying land, and they may buy it very nearly in a compact form now; but the design of this bill is to create a close corporation, to plant a foreign colony, and establish a compact foreign community in our body-politic.

Mr. President, such a proceeding can, it seems to me, bear no fruits but evil. It is setting a precedent which we must follow hereafter when other nationalities ask us to do the same thing. Suppose one hundred thousand Irish Catholics desire to settle in one county, upon what principle can we deny them such a law as this after we pass this one? Suppose one hundred thousand German Protestants desire to settle in the next county, upon what principle can we deny them the same privileges? Suppose twenty thousand French communists want to locate here in a compact community, would you grant them such a privilege? If we once enter upon this plan and establish this precedent where are we to stop? Upon what principle can we discriminate against any other nationality or sect?

Mr. President, in my judgment the principle of this bill would be the worst we could adopt, not only for our own interest but for the persons intended to be benefited. We do not desire to have a town or a county settled by any foreign nationality, speaking their own language, having their national amusements, and in all things separate and distinct from Americans. The idea is and should be, and it should never be departed from, that in inviting foreigners to settle in this country they should take their place with our citizens; they should come here not to be Germans or Frenchmen or Italians, but to be Americans, to become American citizens, to speak our language, to support our institutions, to be of us in all things.

Now certainly the greatest obstacle in the way of this result would be to give the different nationalities a separate and distinct location, as this bill proposes to do.

Mr. Pratt. I wish to inquire of the Senator, as he lives in the Northwest, whether it is not true already that the immigrants from the northern countries of Europe, the Swedes, for example, and the Norwegians, have in point of fact located in compact bodies in the Northwestern States, and whether any of the evil consequences which the Senator anticipates have followed from their settlement in compact bodies?

Mr. Carpenter. Mr. President, if that be so I see no necessity for such a bill as this.

The Presiding Officer. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

MR. EDMUNDS. I ask that the Senator from Wisconsin be permitted to finish his remarks.

THE PRESIDING OFFICER. If there be no objection permission will be granted. The Chair hears no objection.

MR. WINDOM. I ask that the pending order be laid aside informally to finish this bill.

MR. EDMUNDS. We cannot finish it without taking the day.

MR. WINDOM. I cannot help that.

THE PRESIDING OFFICER. Leave is given to the Senator from Wisconsin to conclude his remarks, and at their conclusion the Senator from Minnesota can make his proposition.

MR. CARPENTER. There is only one other point I wish to suggest for consideration. I understand this bill does not require these persons to become American citizens at any time. I understand that it authorizes them, without paying any money, to withdraw this vast body of land from public entry and hold it for two years.

MR. PRATT. Will the Senator allow me to correct him right at that point? There is nothing in the bill of that kind. It requires them to conform to the existing laws.

MR. CARPENTER. Does it require them to become American citizens within any given time?

MR. PRATT. No person can enter a foot of the public land at present under either our homestead or pre-emption laws unless he be a citizen or has declared his intention to become such citizen.

MR. CARPENTER. May he not become the owner of land by private entry without being a citizen?

MR. PRATT. Under existing law?

MR. CARPENTER. Yes, sir.

MR. PRATT. I am not aware of any State in which he could hold it as a foreigner.

MR. WINDOM. The bill does not change that. Foreigners can buy any land that is subject to private entry.

MR. CARPENTER. An alien can do that, I suppose?

MR. WINDOM. Certainly; if the lands are subject to private entry. But this bill does not extend that right.

MR. CARPENTER. In most of the States foreigners are allowed to vote on merely declaring their intention to become citizens. But here is the point to which I wish to call attention and which was referred to the other day by some Senator, I think the Senator from Connecticut, [*Mr. Ferry;*] that is, whether we can compel military service on the part of these people if we allow them to come here and settle as this bill proposes? The Senator from New York [*Mr. Conkling*] maintained that we could, and to show that he referred to our statutes which declare that we *will*. That is all very well as a question of municipal law or internal policy, but the question is really an international question. The question is whether subjects of the Russian government settling here, without renouncing their allegiance to Russia, without declaring their intention to become American citizens, simply owning land, as all foreigners may do, can they be compelled by us to go into military service in case of war? The act of Congress says they must; I admit that. But the question is an international one, one as to which we must answer on the law of nations; and in my judgment it is a very grave question whether we can do this without giving offense to foreign nations; at all events without bringing us into complications with foreign nations.

In every point of view in which I can regard this bill I think it unfortunate. I think it unfortunate for the settlers themselves. I think it unfortunate for us and prejudicial in its influences and its consequences to our free institutions; and therefore I shall vote against it.

Mr. Cameron. I trust we shall complete this bill, or try to complete it, before we take up another subject, and I rise for the purpose of asking the Senate to postpone the unfinished business for that purpose.

The Presiding Officer. Is there objection to laying aside informally the special order for the purpose of continuing consideration of the bill under discussion during the morning hour?

Mr. Stockton. If the proposition were a reasonable one I should not object to it, but it is manifest now that we are to have a great deal of discussion in reference to the bill which has been before the Senate this morning. The gentlemen in charge of it suggest that the Louisiana bill be laid aside until this bill be finished. If their impression is that such a bill as this is going to be finished while another bill is laid aside informally, I think they are very much mistaken. I agree in all the Senator from Wisconsin [*Mr. Carpenter*] has said. I look upon this bill as a very bad one, a very dangerous one, and one without precedent; and as it must lead to considerable debate, it would not be right, I think, to ask that we lay aside the unfinished business informally, as if it were understood that the present bill would soon be finished. I think it cannot be finished today, nor in many days.

The Presiding Officer. Objection is made to the proposition.

Mr. Stewart. Before this passes away I should like to submit a modification of my amendment to be printed.

The Presiding Officer. The order to print will be made.

Mr. Cameron. If the Senator from New Jersey insists upon going on with the Louisiana question, on which he has the floor, of course courtesy will compel us to give way; but I am satisfied that if this bill was understood there would be no objection to it. All the argument of the Senator from Wisconsin has no effect on the bill. He seems to be mistaken in every particular of it. I think he can be convinced very readily, if we have time to go on with the bill; but of course I shall make no opposition to the wish of the Senator from New Jersey.

The Presiding Officer. The Senator from New Jersey is entitled to the floor on the Louisiana question.

Mr. Windom. Will the Senator from New Jersey yield to me a single moment to give a notice.

Mr. Stockton. I will in a moment, after I reply to the Senator from Pennsylvania. I do not wish to be put in the position in which my friend from Pennsylvania places me. I do not intend to go on this morning at all; but having the floor, I propose, with the consent of the Senate, to yield it to a gentleman who does wish to speak as soon as the Louisiana bill comes up. Therefore I did not rise from any personal consideration or to occupy the time of the Senate; but I did rise to tell gentlemen what I believe to be the simple facts. I wish to notify them that I intend to speak against this Mennonite bill myself. I know other gentlemen around me intend to do it. I wish, therefore, to suggest to them that it is not right to bring it up in the place of another bill on the supposition that it can soon be finished. If gentlemen wish to take a vote I have no objection; but I suggest that is not the proper way to act in reference to a bill which is evidently a contested bill.

9. In the U. S. Senate on April 23, 1874 (*ibid.* Vol. II, 4, pp. 3299-3301).

MENNONITE SETTLERS ON THE PUBLIC LANDS

Mr. Windom. I move now that the Senate proceed to the consideration of Senate bill No. 655. I want to say that I will accept the decision of the Senate on this vote, and if it be against taking up the bill I will not again trouble the Senate during the morning hour with this question. I want it taken up. I think not to take it up now is substantially to defeat the object of the bill.

The President *pro tempore*. The question is on the motion of the Senator from Minnesota.

The question being put, there were on a division—ayes 26, noes 16.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States, the pending question being on the amendment of *Mr. Stewart* to the amendment of the Committee on Public Lands as modified by him yesterday.

Mr. Stewart. I want to have the amendment read as modified.

The Chief Clerk read the amendment, as follows:

Whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim; upon the filing of the certificate in the local land office, designating the land desired, the land so designated not exceeding the amount in the certificate shall be reserved for the period of two years for the purposes of this act, provided it be vacant land, not mineral, nor sold or reserved, nor appropriated by homestead or pre-emption settlers.

Sec. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid upon complying with the laws of the United States existing at the date of entry.

Sec. 3. That at the expiration of the period of two years as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Sec. 4. That no reservation shall be made under the provisions of this act of more than one township of thirty-six sections in a body, nor shall the aggregate of lands reserved and unoccupied at any one time exceed three hundred thousand acres.

Sec. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. Stewart. I hope the friends of the bill will adopt my amendment, for I am very confident it is better in every respect. It is cheaper for the applicants. It will cost them nothing to have the reservation made on which they can go. It does not tie up the land by having it entered by an agent. It accomplishes every purpose, without all the expense of having each individual section entered by an agent and fees paid. The fees for entering this land will amount to many thousand dollars, and the parties may never come. This simply provides a reservation for them to go upon if they do come, and then they can enter under the laws of the United States the same as anybody else. Certainly it dispenses with a great deal of cumbersome and expensive machinery, and accomplishes everything desired by the original bill.

Mr. Thurman. If I understand the amendment of the Senator from Nevada it only makes this bill general, by providing that any body of men, at any time in the future, may acquire a pre-emption right in the manner provided in the bill. The original bill secures a pre-emption in favor of a certain sect of people, or a portion of that sect who now reside in Russia. The amendment of the Senator from Nevada, if I comprehend it correctly from its reading, extends that provision to all sects and all persons.

Mr. Windom. The Senator is mistaken in his construction of the amendment of the Senator from Nevada; but that Senator can answer more appropriately than I can.

Mr. Thurman. If I am mistaken in that, and if the amendment of the Senator from Nevada relates only to these same Mennonites, I did not comprehend it correctly when it was read. I heard it imperfectly.

Mr. Stewart. The preamble refers to them.

Mr. Thurman. It reads, "Whenever a body of such persons." Then it is confined to the Mennonites, is it?

Mr. Stewart. "Such persons" refers to the Mennonites spoken of in the preamble. I do not strike out the preamble.

Mr. Thurman. I misapprehended it. I thought it extended the principle of this bill to all persons, whether they were Mennonites or whether they were members of the Greek Church, or whether they were Mohammedans, or communists, or what not. But it seems the amendment of the Senator from Nevada only goes to details and does not touch the main object of the bill itself.

Now, Mr. President, what is this bill? It proposes a new kind of pre-emption that never yet has existed in this country I believe. It is very true that in the history of this country there have been some particular tracts of land set apart for the benefit of immigrants. In my own State there was a tract of land known as the Moravian reservation at Gnadenhutten, and another known as the French grant; but I think in all cases there was no such principle of pre-emption as this; but the land was ascertained by act of Congress and set apart, in the case of the French grant to the refugees from France during the time of the French revolution, and in the case of the Gnadenhutten reservation to certain very worthy people called Moravians, who were making special efforts to Christianize and civilize the Indian tribes. But here is a proposition that if adopted sets a precedent for the adoption of similar propositions whenever any body of men may desire to procure a pre-emption of the public lands and a pre-emption of the very worst form, the pre-emption of large tracts lying in a compact body.

Mr. President, it has been said, and I have no doubt truly, that the Mennonites are a very worthy set of people; but is that a reason why we should change the whole land policy of the Government from the time we inaugurated a policy at all on the subject? And if we pass this bill because these are worthy people, can we refuse to pass similar bills whenever other worthy people ask us to do so? In other words, are we not inaugurating a policy by the passage of this bill that may cover the whole country with pre-emptions of the lands in large tracts, tracts amounting, as this bill allows, to one hundred thousand acres, and in the aggregate to three hundred thousand or five hundred thousand acres?

Something was said by the Senator from Indiana [*Mr. Pratt*] about the large amount of land that belongs to this country. Let me tell the Senator that the amount of good agricultural land belonging to the United States, and not covered by pre-emption or homestead applications or granted away to railroads, is very small indeed.

MR. STEWART. Not exceeding two hundred and fifty million acres. I have figured a good deal on that.

MR. THURMAN. It is very small indeed. When the Senator counts up the immense amount of land which belongs to the United States, and which has not become private property or to which no pre-emption or homestead right has accrued, he counts up the whole American desert, he counts up that whole body of land reaching from the British dominions down to Mexico, a large portion of which is uninhabitable and ever will be uninhabited, unless God shall change the climate of the country. But not only that; in the number of acres that are included—I do not know whether in the estimate by the Senator from Indiana, but in the estimate that I have often seen paraded as to the amount of land that yet belongs to the United States are included the whole of the Russian dominions called Alaska, which we purchased, and which extend from the British possessions to the north pole.

Mr. President, the truth about it is, that with the enormous grants to railroads, with the land that has been occupied by homestead settlers and by pre-emptors, (and here I observe that no one is more in favor of the homestead policy than I am)—but with them in operation there is very little good land left; and it does seem to me, wholly irrespective of the merits of these Mennonite people, that it would be very bad policy in us to open the door to the absorption and monopoly of these lands in the manner that I fear would follow from the passage of this bill. No, sir; that is not the way to do it. These lands are being appropriated now, since we have ceased to give them to railroads, in the best way they can be, by homestead settlers. Let them do it. That is an open field enough for them; but do not let somebody coming in here professing to be an agent, to-day of the Mennonites, to-morrow of some other sect, the third day of another sect, go around and monopolize in large tracts and take out of the market vast bodies of land to the extent of one hundred thousand, two hundred thousand, or five hundred thousand acres. That is not the way to keep the lands for the people. That is not the way of "giving land to the landless." That is not the way of providing for the people of this country out of the public domain. At least it so seems to me.

I think that I can see that if this policy be adopted it will open a door to the most outrageous frauds. I think it is very easy, if this thing is to be done, for sharp and designing men, when it is once found that Congress will pass such laws, to come here representing themselves as entitled to represent large bodies of immigrants coming to this country and asking the passage of precisely similar bills; and how are you to refuse them? Are you going to refuse them upon the ground that their sect of religion is not as good as the Mennonites, or that you do not quite agree with their sentiments in morals or politics or something else? Are we to have an investigation into the character and opinions of the immigrants? Are we to have a religious or a moral or a philosophical or an economical test set up whenever such grants are asked for? If so, I think we shall have a task upon our hands that will be quite too large for our execution. No; the land policy of this Government since we have quit giving the lands to corporations is the right policy. The homestead policy is the right policy. It is that policy which enables the settler to acquire a home for himself and his children, and to acquire it honestly by discharging those duties which the statute imposes on him in order to acquire that title; and I think that any policy which tends to monopolize those lands in large tracts is not advantageous to the people of the country, nor to the immigrants to the country, and is against the best interests of the Government.

Mr. Sargent. Mr. President, the amendment offered by the Senator from Nevada, with a modification which I would like to suggest in it to him, seems to me very much better than the bill reported by the Committee on Public Lands. I would like to suggest to my friend from Nevada that after the words "United States," on line 7 of the first section of his amendment, he insert the words "not exceeding one hundred and sixty acres to any one person;" so that it will read:

An application for permission to locate a portion of the public lands of the United States, not exceeding one hundred and sixty acres, to any one person, accompanying such application with a list of the persons composing such body and the quantity desired by each.

Mr. Stewart. I think that would be the effect of it; but to make it certain I will accept the modification.

The President *pro tempore*. The amendment will be so modified.

Mr. Howe. I would suggest "any one such person." The persons before alluded to are the persons who shall make the application.

Mr. Sargent. I see the point of the suggestion, and I accept the word "such."

Mr. President, I am opposed to all this legislation. I agree fully with the ideas expressed by the Senator from Ohio, [*Mr. Thurman,*] but I wish to say in addition to the reasons which he has advanced against legislation of this character, that we are encouraging within our borders for the first time in our history colonies of persons in a degree separated from the rest of our people, with their own customs, their own religion, their own ways of life brought from their native countries, and isolated in our midst like islands in the ocean.

Our policy has been heretofore to invite the people of all countries desiring a home into our midst, and our laws have been sufficiently liberal for their acquisition of homes anywhere throughout our broad domain where the Government of the United States had land to give them or to sell at low prices. By means of that system there was a general distribution of these people; they separated up into families scattered into different communities, had many points of contact with our customs and our language. They had an opportunity, by isolation from each other and by combination with our people, to learn readily our language, to understand gradually our institutions; and the result has been that, if not in the first generation—though it was often so in the first—in the second generation they were thoroughly Americanized; and it has been a most valuable life-blood infused into the body-politic.

But, sir, if you reverse this and put colonies of twenty or thirty thousand people in a single place, occupying two or three hundred thousand acres in a community, they have not this opportunity either for intermarriage—they marry among themselves for natural preferences—or to learn our language, because they converse among themselves in their own language; or to learn our customs, for they do not lose their own. They get no intelligent idea of our institutions, because they have not that contact with the general body of the public which is necessary insensibly to infuse into their minds the knowledge and the spirit of the American form of government.

I think that this is an unwise departure from a system which has worked well heretofore, and to my mind it is the principal objection to this bill. There is an objection to the aggregation of three or four hundred thousand acres of land in the hands of any body of men to be held even as is proposed under the features of this bill. There is an objection

to dedicating so large a portion of the small remaining amount of agricultural public lands which are attractive to settlers and attractive to immigrants; and a principal reason is that these persons are aggregated together, are set down in communities by themselves; they are not American citizens, they will not become American citizens in the true sense of the term. They are Mennonites, or if they were of some other nation they would be Irish, they would be Germans; they would not be Americans. I shall vote against the bill.

I prefer the amendment offered by the Senator from Nevada because I think the machinery is much more simple, and if these persons are coming they will be less oppressed under the amendment than they will be under the features of the original bill. I think that if we are to invite them to come, and upon these terms, we had better make it as easy for them as we can, and that the amendment will work easier for them than the original bill. I would not invite them and deceive their hopes; but I should prefer that these people, flying from what they believe to be an oppressive change in the laws of Russia, shall come as individuals, as other immigrants come, and I believe that many of them will come, that they will avail themselves of this freer form of government, and that they will make valuable citizens if they will come in this form. I had an opportunity to meet some of them a few months ago, and talk with them. I found that these persons, who probably were selected from the whole body of the company, were men of very high intelligence, and they seemed to speak the English language with considerable purity, and I have no doubt that if they are anything near representatives of the class of people that sent them here, it will be a valuable acquisition to the Republic to have them come among us, but not to have them come as a community isolated from the rest of the body-politic.

Mr. Tipton. Mr. President, it seems to me remarkably strange that a committee of the Senate with ordinary intelligence and ordinary good intentions should have made so gross a mistake as is supposed to have occurred in regard to this measure. The members of the Committee on Public Lands, of whom I have the honor to be one, did not doubt for one single moment that the honorable President of the Senate who differs with us so essentially and the honorable Senator from Ohio and the honorable Senator from California are just as honest in regard to this matter as we are; but it is a matter of astonishment that we see the subject in such different lights.

Now, sir, as a resident of a land State, as a pre-emptor myself, I profess to have as much interest in this question and no more than other men who come from the States that are being settled up, and as much intelligence on the subject as they can have. I would not for one single moment do anything that would be at war with our now accepted doctrine of homesteads. Every Mennonite in Russia to-day is entitled to a homestead beside any citizen of the United States the moment he lands here and declares his intention to become an American citizen; and no American ever has taken a homestead, or ever will take a homestead, that will make a more worthy citizen than this Mennonite will after he has been acclimated among us. But why have we asked this special privilege, you inquire, for him? The idea is this: Everybody settles in colonies now. Cassatt, of Ohio, has just taken his Ohio colony on the line of the Pacific road in the State of Nebraska. We have our German settlement in my county. I have just what every other western man has on this floor, his German settlements right at his own door. He has his Irish settlements; and one

of the very best settlements in the State of Nebraska to-day is the Illinois settlement. We have all these different settlements, and why? Because it is more convenient; because it is more desirable on account of sympathy, and association, and education, and religion, and all those things, for persons to settle together as they have been occupying homes together in other States. But what is the influence? It has been asserted here that these people will not become American citizens. I deny it.

It is not true that we suppose these people are likely to settle in any large bodies at all. They show us by their maps that in Russia already they occupy more than one hundred different locations, as I see it stated in some of the papers. They do not contemplate taking up counties. They propose taking the range and run of our land offices and locating in small numbers wherever they find advantages to suit them. If one hundred can be accommodated in one place and have the kind of land and the kind of accommodations that they seek, another hundred will make their way to another land office in another district and settle among us, just as our Germans settle and just as other foreigners settle, and in no other way. They never have contemplated and never have desired anything else; and we have been in the fullest communication with their representatives from Germany, intelligent, devoted, patriotic people. We have been in communication with them until we came to understand them perfectly, and think they understand us.

Mr. Edmunds. Have you any communication in writing or in print on the subject?

Mr. Tipton. Nothing. They come here as every set of immigrants have the right and privilege to come, and I will speak of this special grant in a moment. They come to scatter over our country as others come; and the reason they are coming in such large bodies at a particular time is set forth, and the Senate understands it very well. They feel it necessary to make their migration within six years. If they offer to throw all their lands on the market of Russia within any one or two years so as to get here within three or four, you understand perfectly well that there becomes a glut in the market in the vicinity where they offer their lands, and they have not such facility for receiving the value of their property and bringing it with them to the United States that they will have if we give them a little time in which to come. The father precedes the family, takes the homestead, erects the house, and prepares for their reception, and within twelve or fifteen, and not more than twenty-four months at the farthest, they will have sold the property and followed him here. They are not ordinary immigrants. They come here with thousands and with millions of money to add to the capital of this country. We have a community of them at Sutton, in Nebraska, at the present time, and all who know anything about them speak in unbounded terms of their honesty, of their ability, and of their skill.

Mr. Edmunds. How were they able to settle without a special law?

. . . .

Mr. Tipton. As to how they settled without any special law I will tell you. Any day in any week in the year a hundred emigrant wagons can drive up before a land office in Nebraska, and a hundred men can enter their homesteads, a hundred homesteads, and by night they are a colony. These people say they cannot get there the first day together; they say they want a little privilege. We ask them where the rest of the train is, and they say the rest of the train is a good piece in the rear, and it may take them twelve or fifteen or twenty-four months to come up; and there-

fore they say they would like to have the privilege of making a few selections for their neighbors and go on and improve for their neighbors until they do arrive. The train is in motion; the train is on the way; and if they could buy land at the same hour they could take any county we have in Nebraska unoccupied, and to-morrow they can be what you call a monopoly; any unoccupied county in Nebraska to-morrow, if they were there, they could take up, and there would be a Mennonite colony under your laws without any qualification or amendment to suit them at all.

When they become located you say they will not become American citizens. They swear they will become American citizens and file their declaration in order to enter their lands and get their homesteads. When they have their homesteads, what then? They vote under your laws for the purpose of establishing their townships, their school districts, their counties. They, under your laws, during the next year are levying their taxes to build their own court-houses, to put up their public works. At the end of the year they hand over the balance of the money they have collected to your State treasurer; and thus they support your State government. They are citizens in every respect. But on some day they simply worship God according to the dictates of their conscience in the Mennonite form and manner and according to their doctrines, which are simply German Quakerism. I suppose you guarantee to every man the right to worship Almighty God according to the dictates of his conscience in this country. As it is, they propose to come, and where they see a little body of land they will go on it just as other individuals go and settle in communities; and then what happens? Is there any dangerous monopoly? Just as soon as they take a township, for instance, we know what immigration does. It sends there frugal men, and then the immigrants coming to the land office sweep right around them and hedge them in to-morrow, and they are surrounded by other settlers, by American citizens. What happens after that? Their children will be coming of age, and after they are there a year the young men who came in at twenty will be twenty-one and they will want a homestead. What do they do? They go outside of this belt of American citizens and American settlers that have girded in and circled around the old family homestead; they take their homesteads off among us, and thus we diffuse and thus we spread them abroad; and only the first day's locations are the locations that you look upon as a monopoly and a concentrated influence. All that afterward enter lands have to take them where they can get them. All the young men as they become of age have to go out and take their homesteads among the other settlers. It is a mixing and a commingling of the very best foreign element that ever landed on these shores with our people of every kind and of every description.

I see no necessity of saying anything further on the subject. So far as sustaining the Government is concerned, have you any complaint? Who would not take to-morrow forty-five thousand Pennsylvania Quakers and locate them all over our western territory? Have you any law by which you could banish Pennsylvania Quakers? Have they not done their duty in sustaining this Government? What did they do when they could not go to war themselves according to their conscience? We did not all go ourselves; it never will be necessary that the whole people go to war; and, in God's name, have we not enough of the fighting element in America? Look to Arkansas to-day, where the people are never happy unless they are in a fight, [laughter,] never doing well unless in a fight. A funeral is the concomitant of a fight, of course. Our people are a peculiar people;

and if there is any portion of the world that can send us a few advocates of peace, in God's name let us bid them welcome. We want settlers of that kind.

I say that the English Quakers of this country have done for us just what and nothing more than these German Quakers will do. They have furnished their substitutes and sent them to the battle-field; they have paid their taxes; they have given of their means gratuitously; they have been the laborers in your hospitals; and they have organized and sent as much as any other association of people have the instrumentalities for the purpose of relieving the suffering on the battle-fields all over the country. It is gammon, therefore, for men to doubt in regard to these people that they will become patriotic, devoted, and self-sacrificing citizens. I have said all that is necessary to say. I would say much more if I thought there was any propriety in it, but I leave the question to others.

MR. MORRILL, of Vermont. I desire to give notice that at the proper time I will submit an additional section as an amendment to the bill, for I presume the proposition of the Senator from Nevada will not prevail.

THE PRESIDENT *pro tempore*. The unfinished business is before the Senate.

MR. MORRILL, of Vermont. I merely ask to have the amendment which I have sent to the desk read for information.

THE PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the proposed amendment, as follows:

Sec. —. That any sale or assignment of land reserved under the provisions of this act to any person within five years of the day of reservation, who is not known as an immigrant from Russia belonging to the sect which is commonly called the Mennonites, shall be absolutely void and of no effect; and any such land so sold or assigned shall be open to pre-emption or sale in the same manner as any other public land.

MR. MORRILL, of Vermont. I will merely add that that is to prevent any jobs under this bill. I do not see why, as the bill now stands, it may not be possible for any parties to have this amount of land reserved and sold to other persons than those that are intended by the bill.

MR. WINDOM. I did not distinctly understand the amendment of the Senator from Vermont, and ask to have it read again.

THE PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk again read the amendment submitted by *Mr. Morrill*, of Vermont.

MR. WINDOM. I am not authorized by the committee to accept that amendment, but I shall not oppose it.

THE PRESIDENT *pro tempore*. The unfinished business of yesterday is now before the Senate.

MR. WINDOM. I would only submit to the Senate the propriety of finishing this Mennonite bill to-day, if we can with the consent of the Senator from North Carolina. I should be glad to complete it and dispose of it one way or the other if the Senator from North Carolina is not anxious to proceed with his speech.

MR. MERRIMON. I am not very anxious to speak to-day, although I am prepared to do so. If it shall be understood that I shall occupy the floor when the Louisiana bill is resumed to-day I am content to yield now. I suppose this bill will take the greater portion of the day, and I would not want to speak late in the evening.

MR. EDMUNDS. I think we ought to dispose of the Louisiana question. I think we had better go on with that bill. It is certainly quite as

important as this, and involves a colony who are in trouble, or think they are, much more extensive than this one. It appears to me the public business will be best subserved by standing by the order of the Senate and proceeding with the Louisiana business every day until we dispose of it one way or another.

Mr. Merrimon. This Mennonite bill seems to be in the way of everything else. I am very anxious myself to see it out of the way, and therefore am willing to yield if the Senate desires me to do so.

[*Editorial Note*: The bill failed to be enacted. In fact while the bill was being debated the movements of Mennonites from Russia had already begun. E.C.]

AN AMISH BISHOP'S CONFERENCE EPISTLE OF 1865

Translated and edited by Harold S. Bender

Introduction

Jacob Schwarzendruber (1800-1868), first Amish Mennonite minister and bishop in the Johnson County, Iowa, Amish settlement (founded in 1846) was born in Mengeringhausen, Waldeck, Germany, in 1800, where he was ordained a minister in the Amish Church in 1826. He emigrated as a married man to Somerset County, Pennsylvania, in 1833, and from there to Johnson County, Iowa, in 1851, where he was ordained bishop in 1853. His ministerial service was as follows: Waldeck seven years (1826-1833), Glades near Somerset, Pa., seven years (1833-1840), Casselman River near Springs, Pa., and Grantsville, Md., eleven years (1840-1851), and Johnson County, Iowa, seventeen years (1851-1868), a total of forty-two years. He served in the bishop office fourteen years until his death in 1868. Most of his descendants still live in Johnson County, Iowa, as members of the Amish, Conservative Amish, or Mennonite churches there. Among them are an unusually large number of ministers and bishops, including the following: his son and grandson, Amish bishops Friedrich and Jacob Friedrich Schwartzendruber; his grandsons, Conservative Amish bishops Joseph Swartzendruber and Solomon Swartzendruber and Mennonite minister Jacob Swartzendruber; and his great grandsons, Sanford C. Yoder, Simon Gingerich, and Fred Gingerich, all Mennonite bishops, Elmer G. Swartzendruber, Conservative Amish bishop, and Amos Gingerich and J. C. Gingerich, Mennonite ministers.

Bishop Jacob Schwarzendruber was an outstanding Amish leader in his day, better informed and more widely read than most Amish bishops. (See the article following this by John Umble on "An Amish Bishop's Library.") Because of age and ill-health he was able to attend only one (1864) of the important Amish general conferences held annually beginning in 1862. However, his interest and concern are evidenced by two lengthy epistles on church problems addressed to that body in 1862 and 1865. The 1865 epistle is herewith published in English translation from the copy in possession of D. B. Swartzendruber of Kalona, Iowa, a great-great-grandson of the author. It is an excellent illustration of the attitude of a typical strict Amish bishop of the Civil War period toward the problems which faced his church at that time. Parts of the epistle were first drafted in 1863, and apparently

revised several times before the final form was sent to the 1865 conference, for several drafts are found in the collection of manuscripts left by the author.

The epistle was favorably received by the Conference, for the minutes of the annual session held June 5-7, 1865, in Wayne County, Ohio, record its reception and a resolution resulting from it. Following is a translation of that portion of the minutes, taken from the printed report published in the same year and found in the Goshen College Mennonite Historical Library. The "first resolution" mentioned is a lengthy statement condemning pride and worldliness, particularly in attire and hairdressing.

A letter was handed in from an old and experienced minister in Iowa. But since it was noted that the main point in it was dealt with in the first resolution, it was considered superfluous to take a vote on the entire content of the letter. It was considered to be highly necessary, however, to submit the following resolution to the meeting, which was unanimously adopted, namely:

Resolved, that we fully approve the views of Brother Schwartzendruber concerning the misconduct of unmarried persons of both sexes, and herewith admonish all Christian fathers to prevent all indecencies of the youth in their homes.

The epistle is here presented in a rather literal English rendering to preserve the flavor of the original German style.

AN EPISTLE TO THE AMISH ANNUAL CONFERENCE OF 1865 BY BISHOP JACOB SCHWARZENDRUBER OF JOHNSON COUNTY, IOWA

Concerning the draft, or buying volunteer substitutes or paying volunteers[1] to send them out to fight, I hold that it is wrong according to God's Word and the teaching of Jesus and the apostles, as it has been done in our congregations. And I hold that it is a guilt upon us ministers and the church. For where such has taken place, my heart's desire is, dear fellow-ministers and all members, that the kind Lord may be gracious to us and grant us enlightened eyes to do his will and to save our souls and souls which have been committed to our care from everlasting ruin.

Are we then still nonresistant according to the teachings of Jesus and the apostles who have proclaimed to us the perfect will of the Father? I will cite several passages out of the Old Testament. Genesis 9:5 and 6, "Whoso sheddeth man's blood, by man shall his blood be shed," for God made man in his image. So we do not want to go ourselves or to pay others that they would go. How is this right before the eyes of God? Dear brethren, see further Exodus 21:12, 29, 30. Also let us note the story of David and Uriah, II Samuel 12:9, where Nathan says to David, "Thou hast smitten Uriah the Hittite with the sword, and hast taken his wife

[1] The Iowa legislature had passed a law which made no mention of conscientious objectors but provided for exemption from the draft of anyone who would pay a commutation fee of $300 or who would provide a substitute. See the discussion on "Mennonites in the Civil War" in G. F. Hershberger's *War, Peace and Nonresistance.* (Scottdale, Pa., 1944), 98-112.

to be thy wife, and hast slain him with the sword of the children of Ammon." See, dear brethren, was it not punished as if David had done it, since he was the cause of Uriah's death. The Saviour's teaching is not as we have done, that we should be permitted to buy substitutes or help to pay for people and let them go to kill others. Are we then still nonresistant? Jesus says in Luke chapter 3 verse 14 to the soldiers, "Do violence or injustice to no man." Dare I then pay someone to do injustice? Matthew 5:7, "Blessed are the merciful for they shall obtain mercy," and this is before the righteous judge, and how unmerciful things go in war with those who have never harmed us, and are also created after the image of God. Do we do right then voluntarily to support the war with money and to vote for those who want to make war? All vengeance is forbidden to the follower of Jesus. Matthew 5:21, 22, 39, 40, 44, Jesus says "Love your enemies, bless them that persecute you, do good to them that hate you, pray for those who despitefully use you and persecute you, then we shall be the children of the heavenly Father." The Saviour tells Peter to put up the sword. Previously he had commanded to buy swords. Then the disciples might have thought it is right to resist and to defend their master. But now Jesus says to put up the sword. "He who takes the sword shall perish by the sword." Here it may be that the spiritual sword is meant, since God has made his perfect word known to men through the Redeemer. Stephen prayed for those who stoned him, and what do we do? We send people to fight. Are we then still nonresistant? Paul says, Romans 12, "Avenge not yourselves, dearly beloved," etc., and in Revelation 12:6, 7, 8, 9 and 10 the spirit says[2] (these are remarkable words and a warning for us all). God permits testing to come upon us to know whether we are faithful and whether we are in action that which we ought to be, for afflictions come from the hand of a loving father who desires to draw us to himself for our good. The war in this country is a permission or a sending of God to punish the people because of their sins, and who is there that has not deserved it. If we rightly acknowledge the calamity [*Elend*] of our sin for ourselves or our congregations where haughtiness and love of the world is too strong in many ways, therefore is the rod of God very necessary for to save our immortal souls. As the man in the Martyr Book[3] says on page 7 at the front and in the preface to the second part, there the truth is spoken which is grounded on the Word of God. But all this our Articles of Faith[4] tell us plainly, especially the article on nonresistance, that we should harm no one or cause any trouble, but seek the welfare and salvation of all men. Rather suffer all things than wreak vengeance. Read the fourteenth Article, there it is said plainly enough. "I know indeed that in the world we are much despised by some people and they threaten to do us harm, and that we have too much fear of men, and we should do as the apostles have said, 'We must obey God rather than man.'" And the Saviour says, "Fear not those who kill the body and cannot kill the soul, but him who can destroy body and soul in hell."

[2] The writer omits the actual text of the Scripture from the copy which he retained for his own use, and from which this translation is made.

[3] The "Martyr Book" is T. J. van Braght's *Der Blutige Schauplatz oder Märtyrer Spiegel,* (German edition, Ephrata, Pa., 1748).

[4] The Eighteen Articles of Dordrecht, drawn up in Holland in 1632 and adopted by a German Mennonite conference in Alsace in 1660, have been the authoritative confession of faith of the Amish church from its beginning as a schism from the Swiss and Alsatian Mennonites in 1693-97. Friedrich Schwartzendruber's copy of the first German edition of this confession, printed in 1664 at Amsterdam, and purchased by him in 1890 from Steinkopf's Antiquariat in Stuttgart, is now in the G. C. Mennonite Historical Library.

I must remind you of something more. God has let us be treated so graciously by our government that freedom of conscience has been preserved so far. Are we all thankful for this, to God and the government? I do not believe that this is sufficiently appreciated by us. For God gave our Congress the heart to protect the conscience and to permit $300.00 to be paid to the government as protection money. This would well be more nearly right according to the teaching of Jesus, "Give to Caesar what is Caesar's, but also give to God what is God's." But, dear brethren, this apparently was not good enough for us. We negotiated further and voluntarily paid to seek the friendship of the world because of fear that we might suffer loss in our temporal goods, and we have set the Word of God aside. It has also happened that some brethren persuaded other brethren to pay also. Here an error has been made. We have departed from the example of Jesus and the martyrs, and this is not recognized by some today. So poor is the condition in the [my] congregation, and I think also in many other congregations.

If it is true as I have heard tell about the Dunkards [one draft has "Quakers"] in regard to nonresistance, we are behind them and could well take them for a pattern. Who will be responsible for the much blood which has been shed in the war and finally the President's blood? Here sin is piled upon sin. Our people should all keep themselves apart from all party matters in political things where brother votes against brother and father against son. What a poverty this is throughout our congregations that we want to help to rule the world, we who are chosen out of the world by God. There are transgressions in the congregations and more than we believe. Dearly beloved, we should be strangers in the world for we are the children of God, and let the world rule itself. Nowhere is it required that we should help to rule the world, but as Christian subjects we should be subject in all things that are not contrary to the Word of God for conscience sake, Romans 13.

Dear brethren, I have briefly written down my view as far as I in my weakness [*Armuth*] can understand the Word of God, and if I have failed I ask for patience. The compulsion in my conscience is the cause for my writing. Also as a watchman it is my duty. May the gracious God reign in my and your heart that we may save our soul.

Now some points from Christian Yoder, Sr., father of the Christian Yoder, Jr. at the Glades,[5] concerning baptism, whether Mennonites may be received without being re-baptized.

It was decided about this in the year 1826 in Ohio at a ministers conference where possibly twenty ministers were together. Two points were decided. That shunning shall be practiced when someone leaves us to join the Dunkards or Mennonites, and regarding marriage it was decided that no one should marry closer in blood relationship than second cousins. Why has this not been observed? The decision of the old ministers is to be found in a writing which Christian Yoder, Sr. composed, and is to be

[5] Christian Yoder, Sr., was a leading bishop in the Amish church from about 1785 to his death in 1838. He moved to Somerset County in 1776, serving in the Glades congregation near Somerset. His son, Christian, Jr., was also bishop in the Glades congregation. His grandson, Bishop Abner Yoder, also bishop at the Glades, moved from Somerset County to Johnson County, Iowa, in 1866, where he served as bishop until his death in 1883. Abner was a faithful attendant at the Amish conference from 1862 on, and was no doubt the chief minister from the Glades congregation whose judgment Jacob Schwarzendruber desired regarding his epistle. Bishop Abner Yoder's descendants have included the following bishops: his son, Gideon (O. O. Amish), grandson Abner and great-grandson Gideon, (Mennonite).

found at Abner Yoder's.[6] Then there was another ministers conference held in Ohio but it did not help much. Then there was another ministers conference appointed at the Glades in the year 1830 on October 3 where many ministers were together, between thirty and thirty-five ministers, also from Beckwa,[7] where baptism was discussed as the report states, and after a long discussion it was decided that no one shall be received into church except by baptism, even if they were baptized by others. Whoever desires to know it in detail should read the above-named report. The above-named report was prepared by Christian Yoder, Sr., who served in his bishop's office between fifty and fifty-five years, and died in his eightieth year on April 29, 1838. In this conference of 1830 it was also decided about the young people lying together, pre-marital intercourse, that the parents should take care, and if something bad comes out of it, the parents should not remain unpunished. Thus it was decided in the Glades congregation as I was told by ministers and brethren. This concerning the young people is also mentioned in 1837 by the three Glades congregations as the discipline [*Ordnungs-Brief*][8] states, and also shunning between man and wife. In 1568 in the discipline [*Brief*][9] it was decided that shunning shall be practiced with all moderation and temperance according to the foundation of the Apostles. This discipline [*Ordnungs-Brief*] was renewed again in 1607 at Strasburg near the city of Landau, and was signed by the ministers of 19 congregations. Dear brethren, and all who read or hear it, I am fearful when I consider the condition of souls. The immortal souls are committed to the ministers as watchers over them and woe is us if we neglect something for an unjustifiable cause. Out of the depth of our hearts we should cry to God and beg for enlightenment and help and support from God. We should be true to Him in our office to warn men of eternal perdition, for here the soul is at stake according to the word of the prophet Ezekiel which God himself had spoken to him.

Dear Brethren (and sisters) let us earnestly consider what we promised before God and the Church. Namely, that we recognized and confessed and joined ourself to the right Christian church and renounced the devil and the world and our own flesh and blood, and accepted Christ to live and to die unto Him. Should we not then seek with all diligence to avoid everything whereby we might break this promise before the all-knowing, all-seeing Father. We should gladly flee all vices such as pride and clothes-display [*Kleiderpracht*] with everything pertaining thereto in bodily or spiritual sense. This is done in such a way that it cannot be noticed for a long time, but it has come all too clearly to light to me in some, even in the houses of the ministers where above all the greatest care should be exercised that the light might shine clearly before God and the church and no distress or offence should be caused among the weak members who cannot rightly distinguish, and the disobedient are then also strengthened in their arrogance. Now it is said that this makes no differ-

[6] No copy has been found of the 1826 conference report, nor of the succeeding two mentioned later in the epistle by J. S.

[7] "Beckwa" is "Pequea," the name of the chief Amish settlement in Lancaster Co.

[8] Manuscript copies of the report of the conference at "the Glades" are extant. The full text was printed in the *Mennonite Quarterly Review* VIII, 93-95 (April, 1934), in H. S. Bender's article, "Some Early Amish Mennonite Disciplines."

[9] The Strasburg Discipline of 1568 was printed in both German text and English translation in the *MQR* I (1), 57-66 (Jan., 1927) in H. S. Bender's article, "The Discipline adopted by the Strasburg Conference of 1568."

ence, if only you do not let the heart hang on it. A miserable comfort this is, whereby the poor soul is only led deeper into perdition. Much also needs to be corrected with parents and their children. Here too little care is observed according to the teaching of Paul, "Bring them up in discipline." Dear parents, the blood or the souls of your children will be required at your hands by God at the last day to the extent that they are neglected by you from little up. When they come to accountability the children must be taught with the Word of God as we have a testimony from God to Abraham, "I know he will command his children after him and his house that they will do what is right and good."

For every member in the church is to be a dwelling place of God and a temple of the Holy Spirit. "Whosoever defiles the temple of God him will God defile." Therefore it is necessary to avoid every occasion which might lead us to sin. Clothes-display is not one of the least through which a sensual life is brought to light, and pre-marital intercourse is the occasion for whoredom and is against the word of Paul, II Timothy 2, "Flee youthful lusts." Ephesians 5, I Peter 2:11, Romans 13. How diligent the parents should be to care for their children in the matter of clothes-display and pre-marital intercourse. We have a terrifying example of Eli the priest in the book of Samuel where the man of God reported how the sons sinned and Eli did not punish them seriously until Samuel told Eli everything that the Lord had revealed, that he knew how his children conducted themselves shamefully and did not even once look disapprovingly upon it. How dreadfully it came to pass. The sons perished in battle and the father had his neck broken and God repeated it through the prophet Jeremiah, chapter 7 verse 12, "But go ye now unto my place which was in Shiloh, where I caused my name to dwell at the first, and see what I did to it for the wickedness of my people Israel," and in the twenty-sixth chapter Jeremiah says, "Then will I make this house like Shiloh, and will make this city a curse to all the nations of the earth." Then they wanted to kill the prophets. See, dear brethren, thus it happens to him who speaks the truth. In Psalm 78:60 David says so earnestly that He forsook the tabernacle of Shiloh, the tent where He dwelt among men. These are all signs that sometime we shall have to give an account before God when we appear before the judgment seat, the ministers for the congregations, the parents for the children, each member for his baptismal vow. Let us warn our youth with all earnestness, then we have the right to punish them. If we do not warn them, and they fall, then the parents should be punished with the children. As was decided in 1830 at the Glades so it is in regard to pride and pre-marital intercourse and all vices, there is much shortcoming in the discipline of children by the parents. If the ministers set them back, then the parents feel bad and even help the children to continue in vice. Experience teaches that there is a great calamity [*Elend*] in the church.

Dear brethren, have patience with me. I am alarmed when I think of the conditions of the congregations. I know well that I do not have to give an account for other congregations. I must now say something about the conduct of weddings where things are carried too far.

I am not against holding weddings when they are conducted in the fear of God, but am against the abuse. When young people want to marry they should begin in the fear of God and first take counsel from their parents according to our articles of faith and then according to our custom send a minister[10] and not make promises in advance whereby the young people play the hypocrite. Such should readily be condemned in the church by all. And when it is begun in the fear of God and they are

married according to divine order by a minister, and a meal is to be given then it should be done with caution and thankfulness toward God for his gift and not in such an excess as has already happened! but with a thankful heart a meal should be given and spiritual songs should be sung to honor and praise God, and we should remember that we have entered into spiritual marriage with the heavenly bridegroom Jesus, and have promised him on our knees before the all-knowing God to live and to die unto him, just like these young people also have promised each other in marriage. But how do things go at times when it gets too much, and the songs of God which are so spiritual are so much abused with laughing, with jesting, with loud and unnecessary talking, and they are sung with all kinds of indecent tunes where only an hour earlier the Divine Word was handled. Let us take this abuse to heart. And then they go out and play all kinds of frivolous things, they run, vain speech is practiced which does not become a virtuous Christian, so that it seems there is more dancing than manifesting the virtue of Jesus. What a frivolous life brings to pass we can see in the case of the rich man and the children of Job. Thus the Divine Word which was preached a few hours before is trampled under foot. Oh, dearly purchased soul, how can you forget your Redeemer with His sufferings and with His beaten back and crown of thorns on His head and face covered with spit and beaten with fists. How does all this become a follower of the Lamb who bears the sins of the world. Jesus might well call to us, "Oh, dearly purchased soul, how can you forget me?" Oh, man, behold thy Redeemer's suffering and thou wilt indulge in pleasure?

Now couple goes into the room with couple and they eat and drink not according to need but beyond need so that by some it is more a matter of excess than of soberness as the Divine Word teaches us and as is against our morning prayer. Let us consider how we shall be able to stand before God as watchmen over the immortal souls of tender youth who perhaps did not understand better. It has happened that the food was thrown upon the back of those who wanted to maintain order. And frivolous conduct is carried on until midnight. Dear brethren, can such stand before God? Are not all members responsible insofar as they do not pay sufficient attention to order, especially the watchmen who are to warn the people. Whoever is free does not need to concern himself about this. Each member is responsible to improve the body of Christ to the honor of God.

And then, how it is carried further among some, the boys go into the beds[11] with the girls when they perhaps have drunk too much and evil consequences follow as is evidenced by the dealings in the congregations, and the illegitimate children are proof of it. Oh what a great sin it is if ministers and parents and all members do not take enough care for the youth, or the mother of a house perhaps herself helps to prepare the beds. How then can the youth come to a right knowledge. I believe that if this evil which has rooted itself in all the congregations would be dealt with earnestly many young people could be brought to a knowledge of the

[10] The minister was asked by the young man to carry a proposal of marriage to the young woman of his choice and secure her consent.

[11] The writer refers to the custom of bundling, practiced in New England as well as Eastern Pennsylvania in colonial days, and later. Originally a courtship custom involving retirement to bed fully clothed in order to keep warm in the cold winter evenings after the family had gone to bed and the fire was out, it became corrupted in the course of time and human nature. J. S. was deeply aroused against this custom with its evil consequences, and fought it effectively.

truth which their elders desire to follow; but how sad it is that old people say, I cannot forbid this because I myself did it. What fig leaves these are with which we try to cover ourselves, and how does this accord with a repentant heart. This I write in love to all those who are willing to be warned.

I must refer to something more. How does it become us that we do not want to enter into war where thousands of men are slaughtered who died for our freedom, and we want to stay at home and live well and carry on unnecessary weddings. Do we think that God will let this go unpunished? Let us just take a view over the battlefields where the crippled men lie and cry or the dead lie in various ways, bodies broken. I believe that this dreadful thing is not to be described, but we want to stay at home and have a vain and easy life. Will God let this go unpunished? God sees everything, there the crippled men, and among us the excesses. All pious souls should think over this, whether it is not so, and should so live that God may be honored and praised through them until the end of life, and may He open our eye of the spirit further so that we may recognize where we have failed and the remainder of our time live according to the will of God.

Herewith I commend all ministers, brethren and sisters to the care of the good and merciful Father. May he keep us all unto eternal and blessed life through Jesus Christ. Amen. So much from me, your weak brother and fellow minister, Jacob Schwarzendruber.

And if I have gone astray here or there in my writing I plead for patience, and help me right with the Word of God.

This is the greeting which I put at the beginning of the letter which was sent away, first the greetings as customary.[12]

Beloved brethren and fellow ministers who with one baptism have made a covenant with God, I hope before God and many witnesses. With anxious and troubled heart I write this to you in my weakness [*Armuth*] concerning several important points in my limited understanding out of the Word of God with the help of God to give you my opinion. I do this in no other purpose than out of love to God to be true to my calling by the grace which God has given me. Receive it in love as from the hands of a concerned fellow-minister who also would gladly save his soul with the help of God. Herewith I commend you to God to whom alone honor is due.

Today is May 29, 1865.

Again a hearty greeting of love to all ministers to whom this writing may come to hands. Especially to the ministers of the Glades who come to the Conference, and test this writing with the Word of God and if it agrees with the same and points to a Christian order [*Ordnung*] then it is my desire that it shall be read before the Conference so that each one who fears God may consider the state of the soul in our (in part) ruined time of freedom as is written in the Martyr Book. And if I have erred, help me in love to get right with the Word of God, but if nothing is done in regard to the matter concerning the young people we cannot be satisfied. The sad death here is regrettable. And how the young people had to be disciplined in Elkhart. And it appears that no one will come from here, sickness does not permit it. We discussed a great deal that at least one should go, but it does not seem likely. We will see yet how it may go. There would be much more to say but I will stop for this time. Herewith I commend you to God. Ja[cob] Schw[arzendruber.]

12 The text of the epistle proper concluded with the previous paragraph. What follows is the author's notes regarding the greeting and introduction which had been attached to the original epistle as it was sent on its way.

CATALOG OF AN AMISH BISHOP'S "LIBRARY"

JOHN UMBLE

Few materials have been printed by the Old Order Amish.[1] Their extant writings have been copied and recopied, handed down from generation to generation, from bishop to bishop, from father to son. These manuscripts, consisting chiefly of decisions agreed upon at ministers meetings; letters, mainly in regard to church discipline or congregational customs; essays on church government or social customs; directions for administering the ordinances; historical and biographical material—these, next to his Bible, formed the most precious part of the Old Order Amish bishop's "library." It is true, to be sure, that he also had a few highly-prized much-read German books in his possession.

Most indispensable of the manuscript materials were the copies of the decisions of the ministers meetings. The distinctive way of life of the Old Order Amish arises from their conscientious preservation of, and unswerving adherence to, these rules and regulations, "die alten Regel und Ordnungen," adopted by the ministers meetings early in the history of the Swiss Brethren movement, then reaffirmed, amplified and brought up to date by such meetings in succeeding centuries, and subscribed to and accepted in the most solemn manner by deacons, ministers and bishops at their ordination.

By insisting on the observance not only of the spirit but of the very letter of these rules and regulations the Old Order Amish have been able to maintain to a remarkable degree the pattern of life and modes of worship of the Swiss Brethren spiritual ancestors of the Amish and Mennonites. No mere aversion to change but actual fear of the dire consequences of departing from the customs of the fathers has been a powerful deterrent to the introduction of the "new" or "different." They sense in the slightest deviation from the established order (the "old order") the beginning of the disintegration of their whole social, economic, and religious structure. Hence, their intense interest in collecting and preserving the cher-

[1] Among the noteworthy exceptions is a small sixteen-page brochure, 4½ by 6½ inches printed in 1905 at Elkhart, Indiana, by the Mennonite Publishing Company and entitled, *Artikel und Ordnungen der christlichen Gemeinde in Christo Jesu.* It contains reports of conferences in 1568, 1607, 1688, 1809, 1837, and 1865 and an undated item of four resolutions copied by Peter Schrak on March 8, 1838, by C. Schlabach on December 19, 1878, and again by Wilhelm Yoder on July 28, 1904. The Mennonite Historical Library of Goshen College has a copy. (A certain Peter Schrack, of Trenton, Butler County, Ohio, attended the 1863 Amish Ministers' Conference in Mifflin County, Pennsylvania.)

ished "rules and regulations" which have kept out of the church the disruptive forces of a changing worldly order and have maintained intact what to them seems the biblical social and religious order founded on the unshakable rock of truth. The decisions of the ministers meeting at Strasburg in 1568 set the pattern of life —social, economic, philanthropic, religious—for a Christian community, a pattern still followed after nearly four centuries by the Old Order Amish congregations.

The scrupulous observance and unquestioned authority of these rules and regulations through the centuries have placed them, in the Amish mind, practically on an equality with the Holy Scriptures because the Amishman feels that the fathers based them on the Word of God. Small wonder, then, that the Amish leader is interested in collecting and collating copies of these articles from many sources as he visits Amish congregations in many parts of the country.

One of the most assiduous collectors of Amish manuscript materials was the first Amish bishop in Iowa, Jacob Schwarzendruber (1800-1868), who emigrated from Waldeck, Germany, to Somerset County, Pennsylvania, in 1833, with his wife and children. Bishop Jacob Schwarzendruber's son, Bishop Frederick Schwarzendruber (1825-1895), added to his father's collection of Amish manuscripts. These materials became the property of Bishop Frederick Schwarzendruber's son, Bishop Jacob Frederick Schwarzendruber (1851-1924), who made a copy of the collected writings, continued collecting manuscripts, and himself wrote several articles and essays of considerable historical value. Whatever he copied from the older copies made by his father and grandfather, he transcribed word for word and letter by letter so as to hand them down unchanged. Whenever he made any additions or corrections, he enclosed them in parentheses. His son, D. B. Swartzendruber, of Kalona, Iowa, has become the custodian of the collection.[2]

[2] Bishop Jacob Schwarzendruber (1800-1868) was the progenitor of a large number of members of Old Order Amish, Conservative Amish, Amish Mennonite, and Mennonite congregations. He was the father of four sons and one daughter, all born in Germany: Joseph J., born July 13, 1821 (father of George J. and grandfather of Bishop Elmer G.); Anna, born April 13, 1823 (the mother of Christian D. Yoder); Frederick, born March 3, 1825 (the father of Bishop Jacob F. and grandfather of D. B.); Christian Z., born October 21, 1827 (known as Oregon Chris); and George, born June 2, 1830 (father of Mrs. C. C. Gingerich, the mother of A. C. Gingerich, Iowa "turkey king"). Some of the descendants of Bishop Jacob Schwarzendruber are listed in the *Hochstetler Family History.*

The spelling of the name "Schwarzendruber" (now spelled Swartzendruber) varies considerably in the various manuscripts or even in the same manuscript. Copyists have not been careful to maintain consistency. During the last century the same individual's name may appear as either Schwarzendruber or Schwartzendruber or even as the modernized Swartzendruber.

Through his kindness and through the interest of Bishop Sanford C. Yoder, former president of Goshen College and another grandson of Bishop Frederick Schwarzendruber, the Mennonite Historical Society of Goshen College has been able to translate and print some of the material from this valuable collection. Several items of the original collection are now in the Mennonite Historical Library archives.

Between 1925 and March 29, 1927, Bishop Elmer G. Swartzendruber, of Kalona, Iowa, great-grandson of Bishop Jacob Schwarzendruber, made a type-written copy of the entire collection left by Bishop Jacob F. Schwarzendruber and presented it to the Mennonite Historical Society. In typing the materials he observed great care to present a letter perfect copy.

The following index or "catalog" of this "library" of Amish manuscripts was completed by the writer in October, 1942, and revised in July, 1946. The titles are arbitrarily assigned by the editor, but frequently are translations of headings in the original.

Catalog

I Introductory Notes: (1) "The following is a copy of material found in a book owned by Jacob F. Swartzendruber, Kalona, Iowa, who died Jan. 17, 1924." (By Bishop Elmer G. Swartzendruber)[3]

(Translation:) "This book belongs to me Jacob F. Swartzendruber, and contains old writings which my father Friederich Schwartzendruber and my father's father Jacob Schwartzendruber collected for themselves, as well as other writings which I considered worth preserving, began to copy in January 1897."

II Resolutions Adopted by the Strassburg Ministers Meetings, 1568 and 1607. (1-5)

Translated and edited with introduction and notes by Harold S. Bender and printed in *The Mennonite Quarterly Review,* I (January, 1927), 57-66.

III Resolutions (Ordnungs Brief oder Abred) Adopted by a Meeting of Swiss Brethren of Switzerland at Hoffingen (sic!) (one manuscript, donated to the Mennonite Historical Library by Bishop J. S. Gerig, correctly gives Zofingen) on the tenth day of the wine-month (October), 1630. (6-7)

Copied (usually in connection with Item II, above) in 1733, again in 1774. Copied again by Christian Güngerich at Hüninghausen, May 1, 1789.[4] Recopied in 1800, in 1820, and by Jacob Schwarzendruber in 1860,

[3] The 140 pages of the typewritten manuscript prepared by Elmer G. Swartzendruber are continuous; formal titles of the different items are few. In the catalog prepared by the present writer Roman numerals indicate separate items while Arabic numerals enclosed in parentheses following the title of the item refer to pages where the items occur in the typewritten copy.

[4] Most of the manuscript copies of resolutions adopted by the various meetings of ministers include the date when the copy was made as well as the dates of all previous copies from which a particular copy was made. Sometimes, as in this case, the name of the copyist is included, thus giving added evidence of authenticity.

by Jacob F. Swartzendruber in February, 1897, and by Elmer G. Swartzendruber in 1925.

IV Resolutions of Ministers and Elders from many Countries and Places meeting at Essingen, near Landau in the Bavarian Palatinate, on the tenth day of the Wine-Month (October), in 1779. (8-12)

Signed by thirty-nine ministers from nineteen congregations.

Copied, March 21, 1809, by Christian Güngerich who was present at the conference, on January 14, 1837, by Jacob Schwarzendruber, in 1897 by Jacob F. Swartzendruber, and in 1926 by Elmer G. Swartzendruber. Another copy of these resolutions made from a copy preserved by the Russian Mennonite group in South Dakota, whose ancestors moved from Switzerland to Holland to Volhynia to America, was edited by Harold S. Bender and printed in the *M.Q.R.* XI (April, 1937), 163-68. This material had been copied by Bishop Christian Nafziger, of Hopedale, Illinois from the manuscript copied by Jacob Graber.

V Resolutions of a Ministers Meeting in the Country Above and Below—"im Land unten und oben"—in Upper and Lower Pequea (?) or "down" in Lancaster County and "up" in Somerset County(?), as Jacob F. Swartzendruber surmises. (13-14)

Written, according to tradition, by Bishop Christian Yoder, paternal grandfather of Sarah Yoder, Jacob F. Swartzendruber's mother.

Copied from the original by Jacob F. Swartzendruber and recopied by E.G.S. in 1926.

Translated and edited with introduction and notes by Harold S. Bender and printed in *The M.Q.R.* VIII (April, 1934), 90-3. (See also Item XXXVII and footnote 7.)

VI Resolutions of a Meeting of Amish Ministers of the Casselman's River, Conemaugh, and Glades congregations, March 18, 1837. (15-17)

Copied, July 9, 1960, at the home of Abner Yoder in the Glades Congregation by Jacob Schwarzendruber who visited four congregations in Canada, one in Conestoga, three in Pequea, one in Tuscaroras (Ohio), three in the Valley (Kishacoquillas), and "three in Glades." Recopied by his grandson (J.F.S.), February 20, 1897, and by his great grandson (E. G.S.), January 17, 1926.

Translated and edited by Harold S. Bender and printed in *The M.Q.R.*, VIII (April, 1934), 93-5.

VII Comments by J.F.S. on specific resolutions adopted by the 1837 Conference and on current observance of these resolutions. (18-22)

(a) On the omission from the articles of 1809 and 1837 of the resolution condemning the use of tobacco, specifically Article 12 of the conference of 1779 .(18)

(b) On silken neckties (cravats?) mentioned in Article 2. (18)

(c) On the light punishment inflicted for marrying outside the church (Article 6) (19)

(d) On bundling which, because it is a practice of long standing, is being defended as something almost sacred. He points to Article 9. (19)

[5] Bishop Jacob Schwarzendruber was extremely concerned about the bundling practiced among the Amish of his day. He did everything in his power to remove this "shameful spot (*Schandfleck*)," as he called it, from Amish life and custom. When the ministers in Somerset County were powerless or unwilling to remove this stain on Amish honor, he moved in 1851 from that place to Johnson County,

(e) On the reasons for failure to observe the conference rulings and on the danger of blindly following custom. (20)

(f) On Article 3 forbidding the use of expensive furniture and especially of glass and porcelain table ware. Earlier, he states, it was the custom to use pewter (or is it tin?) dishes, plates and spoons. Children ate from wooden plates with wooden spoons. (21)

(g) A plea for unity by means of uniformity. (22)

VIII Copy of a letter Written on March 26,1781, by Bishop Hans Naffziger of Switzerland to the ministers and bishops in Holland at their earnest solicitation in a letter written on February 26, 1781. Also Running Comments, Remarks, and Definitions by Jacob F. Swartzendruber. (23-45)

(a) Foreword and Introduction (23-24)

(b) Instructions for performing the rites of baptism and holy matrimony (23-33)

(c) J.F.S. discusses present day marriage customs. (33-35)

(d) J.F.S.' remarks—On the gradual decline of the use of the Book of Tobit in connection with the wedding sermon. (36)

(e) Continuation of the Naffziger letter—Ordination of ministers and bishops (elders). (37-9)

(f) Comments by J.F.S. on the meaning of the titles of ordained officials and their rank; also on the lack of reference to the lot in connection with early ordination services. (39-40)

(g) Conclusion of the Naffziger letter, signed "Essingen, March 26, 1781. Hans Naffziger." (40-1)

IX Reminiscences of Several Matters which we Experienced. (41-5) Signed at Essingen, December 14, 1781, by nine ministers, including Hans Naffziger.

Copied "literally" by J.F.S. on March 5, 1897, from his grandfather's (Jacob Schwarzendruber's) manuscript which the latter "with his own hand" copied from others. "Carefully copied and finished thus far, February 28, 1926, by Elmer G. Swartzendruber, a great grandson of the above named Jacob Schwarzendruber."

Translated and edited with introduction and notes by Ernest Correll and printed in *The M.Q.R.*, II (July, 1926), 198-204.

X Some writer, E.G.S. apparently, adds at this point A Few Items of Genealogical Data, including the name and date of birth of the sons and daughter of Jacob Schwarzendruber. (45—bottom of page) (See footnote 2.)

XI Ministers Manual of Joseph Unziker, no date. "Ordnungs Brief von Joseph Unziker. Ohne Datum." (46-61)

(a) Foreword and Greeting (46)

Iowa, where he hoped to found a congregation purged of bundling. During the early sixties he urged the Amish annual ministers meetings (*Diener-Versammlungen*) to vigorous and concerted action to root out the practice. Seeking to present his views in the most appropriate fashion in order to secure favorable action, he wrote and rewrote essays and letters setting forth his views. In 1865 he seems to have made extracts from his various statements on this subject, as well as on the various phases of the Civil War military draft as it affected Amish and Mennonites. These he combined into a sort of super-document to send as a letter to the Amish ministers meeting, held in that year in Wayne County, Ohio. That letter, translated and edited with introduction and notes by Harold S, Bender and printed in this issue, gives occasion for printing this "catalog" of Jacob Schwarzendruber's manuscript materials at this time.

(b) Forms for administering the Ordinances of Baptism, Communion, and Holy Matrimony. (47-54)

(c) Remarks by J.F.S. (54-5)

J.F.S. compares Naffziger and Unziker on the marriage ceremony and prefers Unziker. (See also the *M.Q.R.*, XV (April, 1941), 112-13) J.F.S. condemns pow-wowing (which is suggested to him by his discussion of the use of the Book of Tobit in connection with the wedding sermon) and the elaborate festivities considered necessary at weddings.

(d) Ordination of Minister, Bishop, Deacon and Elder-Deacon. (56-9)

(e) Procedure for Receiving a Fallen Member back into Fellowship (59-61) Copied by Jacob P. Güngerich in 1852, by J.F.S. on March 10, 1897, and by E.G.S. on March 2, 1926. Unziker's Manual, but from a text apparently nearer the original, has been printed in the original German with an English translation and edited with introduction and notes by the writer.—See The *M.Q.R.*, XV (April, 1941), 95-111.

XII Brief Criticism by J.F.S. of the form for receiving a fallen member (61—middle of page)

XIII Brief Biographical Reference to Jacob P. Guengerich, mentioned above (61—bottom of page).

He was a layman, born in 1811, died in 1888. He was the step-son of Jacob Schwarzendruber and the half-brother of J.F.S.'s father.

XIV "Concerning the Religious Rites and Observances of the Friesians or Amish Mennonites, who are the Friesian or stricter Mennonites and who are also called merely Amish." (61-70)

This article points out a number of differences between the congregational practices of this group and others with reference to (a) baptism, pp. 62-3; (b) communion, pp. 63-6; (c) marriage, pp. 66-8; (d) ordination of ministers and deacons, pp. 68-9; (e) congregational discipline, pp. 69-70.

J.F.S. does not know who was the original author of this manuscript. It belongs to Abner Yoder's collection of manuscripts. Yoder dated it May 20, 1849. J.F.S. finds evidence for dating it about 1820. Extracts from this manuscript, says J.F.S., occur, word for word, in Buck's *Unpartheyisches Handwörterbuch* (Phila., 1834) under the title Amish (See p. 21 in Buck).

Copied carefully and in full on March 16, 1897. "J.F.S."

Copied from the writings of J.F.S. March 19, 1926. "E.G.S."

XV Letter from Bishop David Beiler written at Bird-in-hand, Lancaster County, Pa., dated July 3, 1861, and addressed to Jacob Schwarzendruber. (71-75)

Apparently J. S. had written to Beiler asking for copies of Amish Ministers Manuals. After stating that he is seventy-five years old, that he can recall procedures of sixty years ago and that he has no written material on the subject, Beiler proceeds to give an account from memory of "how the old forefathers had it." Then he writes: (a) the ordination forms for the "complete ministry to the Book," (bishop), "the complete ministry to the poor" (bishop-deacon), "the ministry to the book" (preacher), and "the ministry to the poor" (deacon); (b) the method of administering baptism; (c) the marriage forms; (d) about the practise of "setting mild transgressors back from communion."

Compare with "Amish Ordination Charges," in *The M.Q.R.*, XIII (October, 1939), 233-50.

In his manuscript, *Wahres Christentum*, which was printed in 1888 after his death, David Beiler deals with the same material more in detail.

In regard to "setting members back from communion," see pp. 165-79, "Vom aus dem Rath stellen." The Mennonite Historical Society has a copy of Beiler's book, which is not to be confused with Johann Arndt's work bearing the same title, but dealing with different material.

XVI Remarks, by J.F.S., on the Transmission and Use of Amish Forms in General. (75-7)

Hans Naffziger and Joseph Unziker, like David Beiler, had stated that they had no such written or printed forms in their possession. J.F.S. knew some Amish bishops who refused to use such forms because none are expressly given in the Scriptures. In general the spirit is considered more important than the exact form.

XVII Baptism *in* Water or *with* Water. Committee decisions and extracts from letters on this controversy among Amish leaders between 1852 and 1857. (77-83)

Interesting as showing how such controversies affecting the widely separated congregations were resolved by visiting committees and correspondence, during the period before the annual ministers meetings—"Diener-Versammlungen"—were organized in 1862. (The present-day term is "problem-solving.")

Copied word for word by Abner Yoder, of Johnson County, Iowa, June 10, 1883. Copied herein (that is, in his book containing his collection of copied manuscripts) by J.F.S. on March 19, 1897; copied again by E.G.S. on March 22, 1926.

XVIII Ordination Forms which J.F.S. Prefers to all others which have come to his notice because they contain more expressions taken directly from the Scriptures. (84-5)

These forms signed "Jacob F. Schwarzendruber (sic!)" may be his original composition. When copying he is always careful to give the source. Here he gives none.

At this point (bottom of page 85 of E.G.S.' typewritten manuscript) occurs the notation (translated from the German): "Finished copying the writings of the above-named Jacob F. Schwarzendruber, March 24, 1926. Elmer G. Swartzendruber." Then follows the sentence: "Jacob (F.) Schwarzendruber starb den 17 Januar 1924 im alter von 72 Jahr 3 monate und dadurch ist beendiget ein leben von einem Mann dasz wir Gott sollten danken dafür."

XIX "Our Ancestors in the Days of the Reformation." (86-93)

A historical paper found among the manuscripts of J.F.S. without any information as to when, why, or by whom it was written. Copied by E.G.S. April 3, 1926.

XX "Our Home in the Backwoods of Iowa in Pioneer Times," "by Jacob F. Swartzendruber (sic!), Kalona, Iowa." (94-100)

This is the only English manuscript in the collection. E.G.S. thinks that it "was written upon the request of the editor of the *Christian Monitor* for publication in that paper some years ago."

At this point in his typewritten manuscript E.G.S writes: "This copy was made the 3rd day of April, 1926 which finishes the copying of all the material belonging to the late Jacob F. Swartzendruber." Signed, "Elmer G. Swartzendruber."

XXI "About Bundling" An Essay or Address written August 5, 1863 (101-8) "The above we are quite sure was written by Jacob Swartzendruber

(sic!), while residing in Iowa (hence after 1851) to a conference of ministers in Pennsylvania, he being unable to attend in person." (E.G.S.)

XXII About Hiring Substitutes to Escape Service in the Army (108-11) Dated May 23, 1865, Johnson County, Iowa City P. O., and directed to "dear Brethren and Fellow-Ministers." Signed "Jacob Schwartzendruber (sic!)" and copied by E.G.S. March 21, 1927, on the draft or hiring substitutes.

XXIII An Essay prepared before Pentecost, 1865, Regarding the Draft and Support of the War Effort, to show to the Annual Ministers Meeting (112-15).

Signed, "Jacob Schwartzendruber." Copied April 4, 1927 by E.G.S.

XXIV Scriptures with which People (the Amish) Probably Seek to Justify the Present Type of Wedding Celebrations. (116-17)

This item was unsigned, but seemed to E.G.S. to be in the handwriting of J.F.S.

Copied March 21, 1927 by E. G. S.

XXV "How Sisters [in the Church] Should Conduct Themselves." (117-18)

The above, an exposition of a number of passages of Scripture, is considered to be in the handwriting of J.F.S.

Copied by E.G.S., March 22, 1927.

XXVI Lessons from the Book of Job (119-20).

An unsigned manuscript in the handwriting of J.F.S.

Copied by E.G.S., March 25, 1927.

XXVII Letter Written to Ministers Jonas and Joel Bitsche by Jacob and Maria Schwartzendruber (dated December 22, 1863, Iowa City P.O., Johnson County, Iowa,) stating that a threatened split in the congregation had been averted by the visit of a Committee of ministers: Peter Litwiller and John Gascho of Canada, "Little" Mose Miller of Holmes County, and Tscho (Joe?) Miller of Elkhart (County?). (120-22)

XXVIII "Several items ("Artikel") by Christian Yoder, known as Old Christel Yoder, who died in Glades." (122)

He reports two resolutions adopted by the 1826 Amish Ministers conference in Ohio: (a) placing under the ban Amish members who unite with the Mennonites or Dunkers; and (b) forbidding the marriage of nearer relatives than second cousins.

Also the resolution of the 1830 ministers meeting at the Glades requiring the rebaptism (by a duly authorized Amish bishop) of Mennonites wishing to unite with the Amish. Thirty or thirty-five ministers were present, including those from Pequea. Complete copy in the hands of Abner Yoder, "the old minister."

Here is inserted: "Old Christian Yoder served as bishop in the Glades congregation between fifty and fifty-five years and died in his eightieth year on April 29, 1838.

XXIX Regarding Bundling, its Punishment with the ban, as well as placing under the ban Parents who Permit it in their Homes. (123-25)

He cites resolutions of the conferences of 1830, 1837, 1568, 1607, and 1779 to show that there is abundant authority for rooting out the evil of bundling by use of the ban. Signed by Jacob Schwarzendruber.

Copied from J.F.S's copy by E.G.S., March 20, 1927.

XXX A Discourse, Repeating and Amplifying the Ideas Expressed in Items XXVIII and XXIX above,[6] and Pointing out the Inconsistency, While Men are Suffering and Dying on the Battlefields of the Civil War, of the Amish Request for Immunity from Military Service when at the Same Time They Indulge in Riotous Excesses in Connection With their Sumptuous Wedding Feasts, Some even Being Guilty of Bundling. (126-32)

Apparently this is the last copy from which he drafted his letter to the 1865 Amish Ministers Meeting held in June of that year near Smithville, Wayne County, Ohio. Signed, "Jacob Schwarzendruber."

Copied by E.G.S., apparently on March 24, 1927.

XXXI Notes for the Greeting or Introduction (Heading) of the 1865 Letter to the Amish Ministers Meeting. (132—bottom of page and 133, top of page)

Jacob Schwarzendruber heads these notes with the statement: "This is the greeting which I set before the letter which has been sent away."

Copied by E.G.S., apparently on March 24, 1927.

XXXII Conclusion of the Letter to the Amish Ministers Meeting. (133)

At the head of this item Jacob Schw. wrote, "Today is May 29, 1865." After requesting that his letter be read before the meeting and given favorable consideration, he uses the phrase so well known to the Amish to convey a mild threat of non-cooperation if the conference will not stop the abuses to which he refers in his letter: he will "not be satisfied" if nothing is done "about behavior of the young people."

Signed "Ja Schw,"

Copied by E.G.S., March 24, 1927.

XXXIII A Dream on December 29, 1857 (and again on December 30?), About Christian Güngerich and the German Home and Mill in Mengeringhausen. Unsigned, but evidently by Jacob Schwarzendruber.

XXXIV Family Record of "the Mennonite, Jacob Schwartzendruber, miller in the Gallows Mill at Mengeringhausen and his wife Barbara, *nee* Oesch. (134)

"Extracted from the church register of the congregation at Mengeringhausen May 9, 1833," Signed, "K. Steinmetz, Evangelical (that is, Reformed) Pastor at Mengeringhausen, in the Principality Waldeck, Germany."

The record contains the name and date of birth of the children of J.S. and Barbara listed in footnote two.

XXXV Church Letter of Jacob Schwartzendruber, "Diener zum Buch" (Preacher), his wife Barbara, and his two step-sons, Jacob Güngerich and Daniel Güngerich. (134-35)

Signed April 10, 1833, by "Eltester Diener (Elder or Bishop) Daniel Schlabach" and by Diener zum Buch Johannes Güngerich."

The step-sons evidently were the sons of Barbara (Oesch) Güngerich by a previous marriage. If J.F.S. gives the date of Jacob Güngerich's birth correctly as 1811, Barbara must have been several years older than Jacob

[6] Some of the same ideas, especially with regard to bundling and to the military draft, were expressed also in Items VII (d) and (e), XXI, XXII, XXIII, XXIV, and XXVI. As mentioned above, he seems to have been writing and rewriting in an attempt to express his ideas fully, clearly and convincingly.

Schwartzendruber who was born in 1800. This may account for Jacob and Barbara's not having any children after 1830.

XXXVI A List of Nine Topics on which Resolutions Were Passed by the Amish Ministers Annual Meeting at Clinton Frame in Elkhart County, June 16-18, 1864. (135)

These resolutions are printed in the official report of the conference.

XXXVII An Article of Unity Agreed upon during deliberations between the ministers in the Country Above and Below (im Land unten und oben), dated October 7, 1809. (136-37) This copy, if one makes allowance for mistakes of the copyists, agrees in all essential respects with Item V above.[7]

XXXVIII A Letter to Jonathan Jodder and his fellow-ministers and to Andrew and Christian Rup. Dated October 18, 1866, at Box L, Iowa City P.O., Johnson County, Iowa. (138-40)

Signed, "geschrieben von mir bekümerter Niedergedrükter Mensch Jacob Schwartzendruber." Copied by E.G.S., March 29, 1927.

The letter makes reference to (Joseph) Stuki, Frederick's (Swartzendruber) letter, Benedik Miller, and Jonas Bitschi. It is in the nature of an apologetic—he has been misrepresented and wrongfully accused. "And what is now my reward for the fifteen years in Iowa?" J. S. asks. "The dear God knows everything, that I often did not consider myself worthy to stand before the congregation but my call demanded it. I have now been serving in the ministry for over forty years in my great poverty (of spirit), and thirty-three years in America. I was seven years in the Glades Congregation where the old House-Father Christian Jodder was, and Young Christel Jodder, afterward eleven years at the River (Casselman's)."

[7] These two copies noted as Item V above and here as Item XXXVII present some interesting problems: (a) one is dated October 7, the other October 17; (b) the first is signed by sixteen ministers, chiefly from Lancaster County; the second by twenty-three some of whom are known to have been from the Glades Congregation in Somerset County.

Obviously there were not two conferences ten days apart. Then why the difference in dates? A copyist's error? Possibly, but unlikely. A possible explanation might be that Bishop Christian Jodder ("Old" Christian; see Item XXVIII) from Glades happened to be present at a meeting of the ministers of Upper and Lower Pequea in Lancaster County, was impressed with the resolutions passed by the conference, wrote a copy for himself, had all the ministers present sign his copy as they had signed the official one, then took it home and had the ministers in the Valley (Mifflin) and the Glades Congregation sign it so as to insure its general observance thoughout Pennsylvania.

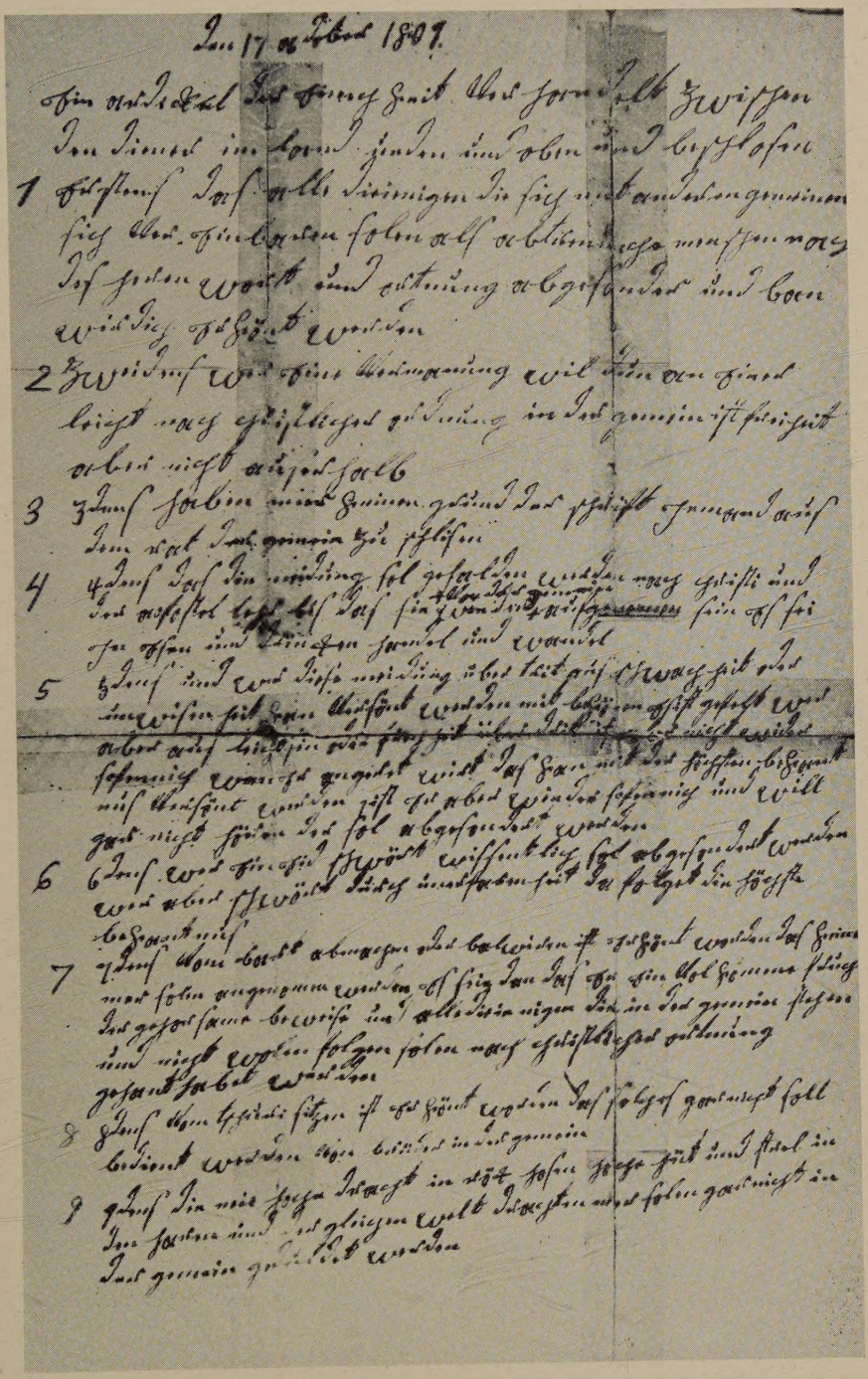
This explanation loses its validity if one accepts the statement of J. F. S. that "land unten" refers to Lancaster County and "land oben" to Somerset. This writer has not heard this interpretation anywhere else; but always as referring to Upper and Lower Pequea.

An Iowa tradition states that Christian Jodder wrote the 1809 conference articles and that the ministers present signed it in his presence. This again would seem an insistence on a detail to prove the validity of Yoder's copy. The provenance of the two copies has only collateral interest for the light it might shed on the early methods of organization and control. A photographic copy of the Christian Jodder copy is printed herewith. This copy contains also the notation by J. F. S. stating that "unten und oben" means Lancaster and Somerset.

THE MINUTES OF THE AMISH CONFERENCE OF 1809

PROBABLY HELD IN LANCASTER COUNTY, PENNSYLVANIA

From the Mennonite Historical Library, Goshen College



10 Hierbey sollen alle abgemeldte mit Fleiß etwas gottesfürchtiges
ordnung und Aufmerksamkeit beobachtet und gesungen werden
und andere Liederbücher nicht

Michael Lorch
Johannes Blank
Daniel Boyer
Christian Rohrbach
Johannes Hiring
Christian Hiring
Christian Hirschy
Johannes Hirschy
Jacob Hirschy
Christian Hirschy
Christian Hirschy

Dieses schreibt mir der Schreiber dieses Aufsatzes zu wissen zu thun, dass die Schreibart ist abwesend J. S. P.

Johannes Lorsch
Peter Blank
Christian Miller
Christian Rhinehart
Jacob Miller
Daniel Hirschy
Christian Hirschy
Isaac Hirschy
Jacobstock
Daniel Miller
Abraham Müller

Ich stelle dieses zum Aufschlag für den Ordinarium zur Nachricht
Johannes Hirschy Christian Hirschy
Der alte) Mollighan Schreiber dieses Hirschy
Christian Hirschy
Christian Hirschy
Christian